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Chronological History

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Summary of Revision/Review

Revised to reflect date of referencing Administrative Regulation
Extensive revisions throughout to include attachments, read thoroughly

Brian Gage, Warden

Purpose
Set forth policy and establish and maintain regulatory procedures for administering a visiting program that will enhance rehabilitative efforts, establish a normalization of social relationships, and satisfy mandatory security requirements.

Policy
Chapter 4 of the Department's Rule Book, titled VISITING, states:

> "Inmates shall have visiting privileges as long as the inmate does not violate the rules and regulations governing visiting."

The following policy statements are the Tecumseh State Correctional Institution's implementation of the Department's policy statement:

1. It is the position of the Tecumseh State Correctional Institution that supervised visits between inmates, families, and friends can contribute significantly to the strengthening and maintenance of family ties, foster socially-acceptable behavior, and assist in improving institutional stability. The Tecumseh State Correctional Institution therefore encourages visits as a means of facilitating the rehabilitation and socialization process. All inmates shall retain the visiting privileges described herein for the duration of their incarceration as long as they abide by the rules and regulations governing such activities.

2. **The number of visitors an inmate may receive and the length of visits shall be limited only by the institution's schedule, its space limitations, personnel requirements, and security considerations. (4-4498)** Inmates shall not be denied access to visitation with persons of their choice except where the Warden believes that a given visitor could jeopardize the safety and security of the institution.

3. **The Tecumseh State Correctional Institution shall provide a visiting room for inmates and their guests that allows ease and informality of communication in a natural environment as free from custody constraints as possible. (4-4499-1)** It shall be arranged with the comfort and privacy of the visitor in mind and which allows for limited socially acceptable physical contact during visiting. **Sufficient space is provided for a visiting room or area for contact visiting and non-contact visiting. There is adequately designed space to permit screening and searching of both inmates and visitors. Space is provided for the proper storage of personal items not allowed in the visiting area. (4-4156)**

4. **Inmates in segregation have opportunities for visitation unless there are substantial reasons for withholding such privileges. (4-4267)**

5. Visits shall be suspended only on orders from the Shift Supervisor, Unit Administrator, Major, Captains, Officer-of-the-Day, Associate Warden, or the Deputy Warden, except where the suspension is imposed as part of a formal disciplinary decision.

6. **Visitors will register upon entry into the facility and specify the circumstances under which visitors may be searched. (4-4503)** Visitors introducing or attempting to introduce contraband into the facility or refusing to submit to any kind of a search (including canine-assisted searches) may permanently lose their visitation privileges at the Tecumseh State Correctional Institution. Visitors who have been found introducing or attempting to introduce contraband into the Tecumseh State Correctional Institution also may be subject to prosecution under Nebraska Law.

7. The Administration reserves the right to withdraw the visiting privileges of any individual who refuses to comply with departmental rules and regulations. An inmate has the right to voluntarily delete anyone from his visiting list at any time by completing a Visitor Deletion Request and submitting it to his Case Manager. Any visitor who is removed from an inmate's visiting list, whether at the visitor's or the inmate's request, must wait for a period of six months from the date of removal before he/she again can be added to that inmate's visitor list or to any other inmate's visitor list, unless waived by the Warden. In addition, he/she must resubmit a completed Visitation Request Form.

   a. In the case of an inmate's spouse being deleted from an inmate's visiting list, the Warden may waive part of this six month waiting period if doing such would aid in any family reconciliation process. Any spouse desiring such consideration may write the Warden directly and state the reasons why visiting privileges should be reinstated.

8. All sections of these Visiting Regulations shall be reviewed annually and updated as needed by the Deputy Warden, and they will be valid for the 12-month period following that review unless officially changed. ALL VISITORS, STAFF, AND INMATES SHOULD MAKE SURE THEY HAVE ACCESS TO OR ARE IN POSSESSION OF COPIES OF THE CURRENT VISITING REGULATIONS.

9. The Tecumseh State Correctional Institution Visiting Regulations, Operational Memorandum 205.02.01, shall be made available to visitors, staff, and inmates so all interested parties may be informed of the details of this program. Copies of the Visiting Regulations Operational Memorandum may be obtained from the Pass Clerk's desk or by writing to the Warden.

10. Written information regarding procedures governing visitation will be made available to inmates within 24 hours of their arrival at the facility. At a minimum, the information will include, but not be limited to, the following:

A. Facility address/phone number, directions to the facility and information about local transportation

B. Days and hours of visitation

C. Approved dress code and identification requirements for visitors

D. Items authorized in visiting room

E. Special rules for children

F. Authorized items that visitors may bring

G. Special Visits (4-4499)

SPECIAL NOTE TO INMATES, VISITORS, AND ALL READERS OF THIS OPERATIONAL MEMORANDUM: The content of this Operational Memorandum is intended primarily as a procedural guideline for staff to follow in implementing the facility's visiting regulations and for informing visitors and inmates of these procedures. Nothing in these regulations should in any way be interpreted or construed to mean visiting is an automatic "right" or regulations governing the visiting process create any rights or benefits for inmates which are not explicitly stated in Section 83-186 of the Nebraska State Statutes. In compliance with the content of that statute, the Warden of the Tecumseh State Correctional Institution retains full authority to permit or deny visits by members of the general public.

Authority
Section 83-186
DCS Rule 4
Administrative Regulation 205.02 "Visiting"
ACA Standards: 4-4150, 4-4156, 4-4267, 4-4275, 4-4498, 4-4499, 4-4499-1, 4-4500, 4-4501, 4-4503, and 4-4504

Applicability

A. Chapter 4 of the Department's Rule Book, titled VISITING states:

"This rule applies to all facilities operated by the Department of Correctional Services."

This Operational Memorandum is applicable to all divisions, departments, and offices and will be maintained by the Office of the Deputy Warden.

Definitions

Immediate Family: spouse, parent, stepparent, person acting in the place of parent (as documented in the institutional file), sibling, stepbrother, stepsister, half-brother, half-sister, child, stepchild and grandparent.

Visiting Week: A period of time beginning on Monday and ending on Sunday.

Contraband: Any article not officially issued, lawfully purchased, or brought into the Tecumseh State Correctional Institution via authorized channels or which is introduced or attempted to be introduced by any person into the facility or its extended limits by a method other than one which is specified in official Tecumseh State Correctional Institution policy and procedures.

Real Suspicion: Objective, articulate fact(s) which would reasonably lead an experienced correctional employee to conclude that a particular visitor or individual is concealing something on his/her body for the purpose of transporting or attempting to transport such material (contraband) into the institution -- which is contrary to the rules and regulations of the facility and the Nebraska Department of Correctional Services and which also is contrary to state and federal law(s).

Procedures

I. Chapter 4 of the Department's Rule Book, titled VISITING states in part:

"An inmate may receive visits from anyone he or she chooses, subject to the approval of the Warden. The Warden shall consider the effect that the presence of the visitor has on the staff and the inmates. Visitors may be refused admission to the facility or removed from a visiting list for violating visiting rules and regulations. The Warden will advise a person removed from a visiting list of the removal in writing, stating the reasons for the removal, with a copy to the inmate who was to have been visited.

II. WHO MAY VISIT

A. A TSCI inmate may have visits from anyone he chooses subject to the approval of the Warden. Actual administration of the visiting process is delegated to the Deputy Warden or designee. In making a visiting approval determination, the Deputy Warden shall consider the affect the presence any given visitor might have on the facility, its staff, and/or the inmate(s) confined within and the probable affect such presence may have upon the rehabilitative progress of the inmate to be visited.

B. Persons 19 years of age and above - (1) must complete/submit individual Visitation Request Form (VRF) to the Deputy Warden or designee; (2) may include names/ages of minor children up to the age of 12 on this VRF; (3) may visit without parent or guardian.

C. Persons through 18 years of age - (1) **must complete a VRF to Deputy Warden/designee**; (2) must be accompanied on visit by parent, legal guardian or court appointed agent or other authorized adult (age 19 or above); (3) must submit notarized permission letter from parent, guardian or court appointed agent to visit in company with another authorized adult; (4) parent, legal guardian, court appointed agent or another authorized adult who accompanies the minor must also be on the inmate's approved visiting list.

D. Additional offspring (newborn or adopted) may be added to the inmate's visiting list by completing a new VRF. The new VRF must be submitted to the Warden/designee for approval

E. A minor who is married does not need parental or legal guardian consent to visit her spouse but must be an approved visitor via the VRF process. She also will be required to present a copy of their marriage license along with the VRF.

III. VISITATION APPROVAL PROCESS

A. It is the responsibility of each inmate to initiate the visiting process. Inmates may obtain Visitation Request Forms (VRFs), DCS-A-adm-012 – *Attachment 1*, from their unit staff and mail them to those persons they desire to have placed on their approved visiting lists. Each prospective visitor must complete a VRF and return it to the following address for processing:

Visitation Administration
Tecumseh State Correctional Institution
P.O. Box 900
Tecumseh, NE 68450

Note: Any VRF that is not returned directly to this office at the above address <u>or</u> is incomplete <u>or</u> is sent to the inmate will not be processed.

B. All VRFs received by this institution shall be date-stamped by the Unit Administrator's Office after which they are forwarded to the applicable Case Manager.

C. The Unit Administrator's Secretary will collect all VRFs received by the institution and forward them to an NCIC-trained unit staff who will arrange for an NCIC (National Criminal Investigation Check) record check of each potential visitor.

D. Persons with criminal records are not automatically excluded from visiting. In determining whether or not to approve a person with a criminal record, the nature and extent of that person's total criminal record, plus his/her history of recent criminal activity is weighed carefully against the benefits of visitation. The Warden/designee shall retain final authority to review, assess and approve/disapprove applications to visit. Appeals of denials to visit must be submitted in writing to the Warden. An NCIC (National Crime Information Center) computer check to verify visitor identity and to ensure the accuracy of the VRF information will be done on all visit applications age 12 and above.

E. The Case Manager will then complete a computer check to ensure the visitor is not on another inmate's visiting list.

F. After the NCIC report, and visiting list check are completed, the NCIC will be stapled to its respective original application, both forms of which will then be forwarded to the respective Unit Manager or Case Manager (of the inmate requesting each particular visitor) for an approval/denial

G. If the Unit Manager or Case Manager approves a VRF, he/she will make the appropriate notation on the bottom of the form, initial it, and forward it to the Unit Administrator. The Unit Administrator will approve the VRF and forward it to the Pass Clerk. The Pass Clerk will enter the information into the computer and place the visitor's name, social security number and relationship to the inmate on the inmate's visiting card. The Pass Clerk will then separate the rest of the VRF and forward it to the appropriate inmate -- which is the inmate's official notification of the status of a particular visitor's application. The Pass Clerk will then send the top section of the VRF to the Records Office for filing in the inmate's record jacket.

H. If the Case Manager disapproves a particular VRF, he/she will make the appropriate notation on the bottom of the form, cite his/her reasons for disapproving it, initial it, and forward it to the Warden who will make the final approval/disapproval decision. ALL VISITORS WHOSE NCIC REFLECT A CRIMINAL HISTORY MUST HAVE THEIR VRF ULTIMATELY APPROVED/DISAPPROVED BY THE WARDEN. IF CRIMINAL CHARGES ARE CURRENTLY PENDING, THE VRF WILL BE DENIED.

1. If the Warden or Unit Administrator subsequently approves the VRF, he/she will make the appropriate notation just below the Case Manager's, initial it, and send it to the Pass Clerk for distribution as described in section III.G.

2. If the Warden or Unit Administrator disapproves the VRF, he/she will make the appropriate notation on the VRF just below the Case Manager's, initial it and state the reason for disapproval. The bottom section then will be forwarded to the inmate. The top section is forwarded to the Pass Clerk for input on the computer. The Pass Clerk will then forward the VRF to the Records Office for filing in the inmate's record jacket.

I. Whenever an inmate receives a VRF notification slip from the Pass Clerk indicating a particular visitor has been either approved or disapproved to visit him, it shall be the responsibility of the inmate to notify that person of that particular approval or disapproval decision.

J. Any individual who has been disapproved to visit may appeal that decision directly to the Warden who shall provide a written response to the individual.

K. Any inmate who is aggrieved by such action may appeal it through the regular grievance procedure.

L. The Warden or designee must approve all VRF's submitted by the victim of a sexual offense.

M. Following the release of an inmate on parole or when an inmate is placed on escape status, the institution's Records Office will stamp all current visitor application forms in the classification file "Deleted". The Records Office will also delete the previously approved visitor names from any computer records of approved visitors for this inmate.

IV. SPECIAL AND EMERGENCY VISITS

A. These types of visits are intended primarily to accommodate immediate family visitors who visit less than once per month because of long distance (more than 200 miles from the facility) or because of limitations imposed upon the facility due to space or staffing restrictions. These types of visits may be appropriate for reasons of hospitalization or for inmates in segregation status when the security or good order of the institution or community is not jeopardized.

1. Other persons not on an inmate's approved visiting list but who may be considered for special visiting privileges include prospective employers, community sponsors, parole officers, attorneys, members of the clergy, and social service representatives. These individuals may be able to offer valuable assistance to an inmate and therefore shall be allowed to visit whenever possible. (4-4500)

V. EXTENDED VISITS

A. These types of visits (i.e., allowing visits on consecutive days which may or may not be on regularly-scheduled visiting days, or for extended hours) may be granted to visitors in special circumstances when they are:

1. On the inmate's approved visiting list;

2. Travel over 200 miles; and

3. Visit less than once per month. (4-4501)

Note: These types of visits also may be appropriate for reasons of hospitalization or for inmates in segregation status when the security or good order of the institution or community is not jeopardized.

VI. SPECIAL, EMERGENCY, AND EXTENDED VISIT PROCESSING PROCEDURES

A. Whenever an inmate knows at least one working day (Monday through Friday excluding holidays) in advance that he is expecting a visitor who would fall under these "special visit" guidelines (i.e., Special, Emergency, and Extended Visits), he must request visiting consideration by submitting a Special/Extended/Emergency Visit Form (*Attachment 2*) to his Case Manager who will verify the information noted on the form and then forward it to the Unit Administrator who will make the final approval/disapproval decision. If approved, the "form" will be forwarded to the Pass Clerk where he/she will keep it on file until the requested visit day arrives. If the visitor does not arrive on the expected day, the Pass Clerk then will so note that fact on that form. The Pass Clerk then will sign his/her name to the form, date it, and distribute as noted on the form. A special visit may be extended with the permission of the Unit Administrator or Officer-of-the-Day.

B. If a visitor arrives at the Tecumseh State Correctional Institution who was not expected by the inmate but who is otherwise eligible for special visits (as described in sections IV and V), the Unit Administrator or a higher authority will make the decision as to whether or not to allow that person to visit.

VII. SEGREGATION VISITS

A. Disciplinary Segregation

Inmates assigned to this type of segregation status, who are housed in the Special Management Unit (SMU) will use the CCTV System for video visits. Visits shall be conducted only in prescribed visiting areas and at prescribed times. If granted, visits may be for a duration of two hours. Longer visits may be possible depending on the circumstances.

B. Administrative Confinement

Inmates classified to this type of segregation status, who are housed in the SMU will use the CCTV System for video visits. Visits (which shall not exceed three hours) shall be conducted only in prescribed visiting areas and at prescribed times.

C. Protective Custody

Inmates classified to this type of segregation status generally will be permitted to have contact visits consistent with custody and security considerations. Such visits will take place in the visiting room under the direct supervision of Visiting Room staff.

D. Death Row

Inmates on Death Row generally will be permitted to have contact visiting privileges consistent with custody and security considerations. Visits will be conducted only in prescribed visiting areas and at prescribed times. Inmates in this status may be denied visits for reasons of security or for the good order of the facility.

E. Intensive Management

Inmates classified to this type of segregation status will use the CCTV System for video visiting. Video visits will be limited to a maximum of one hour per visit. If the need arises for the Intensive Management inmate to sign documents, the Gatehouse staff will retrieve the document from the visitor and take the document to the inmate for his signature then return the document to the visitor. Staff will ensure the confidentiality of the document(s) at all times. The Unit Administrator/Shift Supervisor may alter the visiting time and number of visitors to insure proper order and security. An inmate on Intensive Management status will be permitted a contact visit with attorneys and/or other professional visitors only. All such visits will take place in an Attorney-Client room, usually in SMU. However, the Deputy Warden or designee will retain the right to require that Attorney and/or other professional visits for an inmate on Intensive Management

status take place in the prescribed non-contact visiting area based on security concerns. Restraints will not be removed during such visits.

F. Immediate Segregation

1. Inmates placed on Immediate Segregation status, who are housed in the SMU, will use the CCTV System for video visits. Visits will be conducted only in prescribed visiting areas and at prescribed times.

2. Following placement on Immediate Segregation status and upon admission to the segregation unit, inmates may initiate/ write an Inmate Interview Request form to the Caseworker on duty providing on that form the name and telephone number of one (1) person (who must be on the inmate's approved visiting list) to be notified concerning that inmate's status and living location change. Staff will inform the named visitor of the change in visiting days and hours.

3. In the event that the Caseworker is unable to establish contact with the inmate's requested visitor, such will be documented on the Inmate Interview Request. When contact cannot be established initially, the inmate may give the Caseworker another name and phone number of a visitor on his approved list to affect a second attempt at notification. All initiated telephone contacts (to include both successful and unsuccessful attempts) will be documented on the Inmate Interview Request form with a copy of it retained on file in SMU and the Deputy Warden's Office.

VIII. PROFESSIONAL, CLERGY, AND PUBLIC OFFICIAL VISITS

A. Attorneys-of-record, and public officials may visit inmates at the Tecumseh State Correctional Institution at any time provided they do not interfere with counts, security measures, or emergencies, and that they occur during reasonable hours. Reasonable hours are defined as between 8:00 a.m. and 7:30 p.m., seven days a week. This policy does not apply to public officials who by Statute (Section 83-186) are authorized to enter the institution at any time. Volunteers and Clergy may visit during the approved visiting sessions in the Visiting Room. They may visit during any of the open sessions, but are not allowed to visit during closed sessions.

B. Attorneys-of-record and public officials may visit without placement on a visiting list.

C. **Attorneys-of-record who utilize paralegals to conduct legal research regarding an inmate's case must first forward a letter to the Warden identifying the paralegal, the inmate client, and the nature of the business to be conducted. No person acting in the capacity of a paralegal will be admitted into the institution without a letter of endorsement from his/her attorney-of-record. (4-4275)** Each meeting will need to be approved. The paralegal will not be classified as an official visitor and will be subject to a search upon entry into the facility. A Facility Visitation request form *(attachment 10)* will be completed when a professional visit is scheduled in advance.

D. Inmates desiring approval of Clergy for visitation will request it to the Religious Coordinator on an Inmate Interview Request. The Religious Coordinator will mail a Clergy Visitation Request Form to the requested Clergy along with a copy of the "Policy for Clergy and Lay Religious Visitors"

1. Responsibility to notify the visitor of approval or disapproval rests with the inmate.

2. Any prospective visitor who has been disapproved for clergy visitation may appeal that decision directly to the Warden who shall provide a written response to that individual.

3. Any inmate who is aggrieved by such action may appeal it through the regular grievance procedures.

4. The Religious Coordinator will maintain a list of all approved and disapproved clergy.

5. An inmate will be added to the visiting list of clergy only by the request of that inmate.

6. Clergy may visit up to four inmates at the same time, per visiting session. All Clergy visits of this nature must end when the visit session ends unless pre-approved by the Associate Wardens Office. The Visiting room must be cleared after each session so staff so staff can conduct security protocols.

7. Clergy may purchase food from the vending machines for inmates only if they are on the inmates visiting list.

8. If a member of the clergy arrives at the institution during other than "reasonable hours" and claims a need for a visit with an inmate due to an emergency situation (e.g., death, injury or serious illness of an immediate family member), the clergy will relay complete background information to the Gate House Corporal. The Shift Supervisor will verify the emergency information as received. Upon verification and approval, reasonable efforts will be made to escort the inmate to the Administration Building for the requested visit.

9. When processing a member of the clergy into the institution, Pass Clerks and Gate House Corporals should check the person requesting to visit against the Clergy database.

10. If the requesting clergy person is listed and he/she is authorized to visit the requested inmate, process the visit in the usual manner.

11. If the requesting clergy person is listed on the computer sheet but the particular inmate requested is not listed thereon, inform that clergy person that he/she needs to inform the inmate so that he (the inmate) can submit a request to the Religion Department Head to have that clergy person added to the inmate's list, i.e., the inmate must submit that request - not the clergy person.

12. If the Pass Clerk and Gatehouse Corporal do not have access to the Clergy database they will then need to contact a Lieutenant to check the Clergy database for approval to visit.

13. Clergy may perform pastoral acts during visitation:

    a. Communion may be served during a clergy visit. No wine will be introduced into the institution on clergy visit. Grape juice, in small quantity and contained in a factory sealed container, may be used. Only enough bread for those taking communion will be allowed in to the institution. The visiting clergy must take all unused portions out of the institution.

    b. Inmates wishing to receive religious instruction requiring religious material may take one book containing the tenets of his faith to a clergy visit.

    c. Visiting clergy may bring one book containing the tenets of his/her faith and one additional religious book for instructional purposes. These materials will be searched entering and exiting the institution. No materials may be left with an inmate during the visit.

    d. Visiting clergy desiring to perform other pastoral acts including baptism and family counseling will be encouraged to contact the Religious Coordinator for information.

E. The Attorney-Client room, located in the visiting room, will be utilized for meetings with attorneys and/or clergy. Anytime an inmate is in the Attorney/Client room, the door will remain unlocked. If this room is in use, the Family Counseling Room shall be utilized. If all designated spaces are occupied, the visitor will be asked if he/she would like to visit in the general population visiting room. If that option is not acceptable, he/she will be asked to wait until one of the earlier mentioned spaces becomes available.

    1. Whenever any of these visiting rooms are in use the Shift Supervisor shall ensure that this area is staffed with Custody/Unit Management personnel. No conversations between inmates and attorneys shall be overheard, recorded, or listened to in any manner. All reasonable precautions shall be taken to preserve the confidentiality of the attorney/client relationship. Restraints for Intensive Management inmates will <u>not</u> be removed during attorney and/or clergy visits. If it is necessary for the inmate to use his writing hand during such a visit, the Shift Supervisor may authorize the release of that hand for a <u>limited period</u> under staff supervision.

F. Special Management Unit (SMU) inmates will normally visit via the CCTV System, however, whenever Special Management Unit inmates utilize the Visiting Room to visit, for any reason, any Special Management Unit inmate who has been placed on a restriction involving placement of the inmate in <u>full restraints</u> whenever out of his cell will be required to <u>visit</u> in <u>full restraints</u> in an Attorney-Client room. SMU staff must notify the escorting staff, Central Control and Visiting Room staff when an inmate of this type of restriction receives a visit. This does not apply to Intensive Management status inmates who will <u>visit</u> in full restraints.

G. SMU inmates will conduct approved Clergy visits via the CCTV system.

IX. DAYS AND HOURS OF VISITATION

A. Visiting Schedule. The TSCI visiting schedule is made available to all inmates during orientation and as changes are made. It is also posted on the department's website at www.corrections.nebraska.gov.

B. Inmates Confined in TSCI Infirmary

1. Visiting Hours

a. Inmates in this situation normally will have the same visiting privileges as other inmates of their status (i.e., they may visit during the same hours and on the same days) after being cleared for such visits by the Medical Department. The location of the visit will be determined by the Unit Administrator or Shift Supervisor with consultation with medical staff.

2. Exceptions to these hours may be made if indicated by special circumstances (See Special and Emergency Visits).

C. Inmates Confined in an Outside Hospital

1. Visiting Hours

a. Visits for inmates in outside community hospitals shall be from 1300 hours until 1500 hours, five days a week. A week shall be defined as Monday through Sunday. Visits should not conflict with hospital policy and should be approved by hospital staff. NOTE: When these visits are approved and prior to traveling to the hospital to visit an inmate, visitors must come to TSCI to pick up their pass. If the inmate is hospitalized in Omaha the visitor will go to OCC to obtain a pass; in Lincoln the visitor will go to NSP.

b. Whenever such visits are approved, the processing of visitors will end one hour before the close of the scheduled visiting period.

2. Exceptions to these hours may be made if indicated by special circumstances (See Special and Emergency Visits).

X. Special Holidays, Christmas Day, and New Year's Day Visiting Privileges

A. Whenever regularly scheduled visiting days coincide with state or national holidays (e.g., Independence Day, Veterans' Day, Thanksgiving Day, etc.):

1. General Population and Segregation status inmates will be allowed to visit on those days just as they are permitted to visit on any other regularly scheduled non-holiday visiting day.

2. Inmates confined in TSCI Infirmary similarly will be allowed to visit on those days just as they are permitted to visit on any other regularly scheduled non-holiday visiting day if the Medical Department clears such visits.

3. Inmates confined in an Outside Hospital will be allowed to visit on those days just as they are permitted to visit on any regularly-scheduled non-holiday visiting day if the Deputy Warden or designee approves such and such visits do not conflict with hospital policy and such visits are cleared by hospital medical staff.

B. Inmates generally will not be permitted to visit on non regularly-scheduled visiting days, with the following two exceptions:

1. Whenever Christmas Day and New Year's Day fall on non regularly- scheduled visiting days (i.e., Monday or Tuesday).

a. General Population inmates will be allowed to visit during either an afternoon or evening session. INMATES MAY NOT VISIT DURING MORE THAN ONE SESSION.

b. Segregation status inmates will be allowed to visit on those days during the same hours that they normally would be permitted to visit on a regular visiting day.

(1) Inmates on Immediate Segregation, Disciplinary Segregation, Administrative Confinement, and Court-Imposed Segregation statuses will visit via CCTV in the SMU no-contact visiting area. Inmates on Intensive Management will visit via the CCTV in their cells.

(2) Protective Custody inmates will visit in the Visiting Room.

(3) Death Row inmates will visit in the Visiting Room.

c. Inmates confined in TSCI Infirmary will be allowed to visit during either an afternoon or evening session if the Medical Department clears such a visit. INMATES MAY NOT VISIT DURING BOTH SESSIONS.

d. Inmates confined in an Outside Hospital similarly will be allowed to visit during either an afternoon or evening session if the Deputy Warden or designee approves such and such visits do not conflict with hospital policy and such visits are cleared by hospital medical staff.

C. Each of these two holidays (when they fall on non regularly-scheduled visiting days) is considered an additional authorized visiting day during the weeks they occur and will not count against an inmate's regular visits during those respective holiday weeks.

D. Exceptions to these hours also may be made for other holidays or other designated occasions. Whenever these occur, the Warden shall issue a memorandum specifying the changes.

XI. VISITING LIMITATIONS

A. There shall be no limit to the number of visitors an inmate may have on his authorized visiting list. Visitors will not, however, generally be granted permission to visit prior to their submittal of a VRF and prior to its subsequent approval through the normal VRF process.

B. Visitors shall not be authorized to be on more than one inmate's visiting list at any one time without the express written permission of the Warden. Specific exceptions to this policy are as follows:

1. Any visitor who is an "immediate" family member of one or more inmates housed at the Tecumseh State Correctional Institution and who is otherwise approved for visiting may be placed on each respective "immediate" family member inmates visiting list. In addition, that visitor also may be placed on the visiting list of one (1) other non-"immediate" family member's list, i.e., as long as that visitor is not the spouse of one of those immediate family members. The following examples demonstrate how this policy works:

a. A mother may be placed on her two sons' visiting lists and on one other non-"immediate" family member's visiting list, OR

b. A sister may be placed on her father's and brother's visiting lists and on one other non-"immediate" family member's visiting list, OR

c. A brother may be placed on his three other brothers' visiting lists and on one other non-"immediate" family member's visiting list, OR

d. A spouse may be placed on her husband's and father's and a brother's visiting list and on one other non-"immediate" family member's visiting list.

C. An inmate may have up to four adults (i.e., any combination of "immediate" family members and non "immediate" family members) visiting him at any one time during any one visiting period. Each adult may bring along children and/or minors as long as they are able to supervise and control them.

D. Visitors who leave the institution during a visit will not be permitted to return and resume their visiting privilege during that same visiting period.

E. Once an inmate completes a visit by leaving the Visiting Room, his visits for that visiting period are terminated. The exception to this rule is on an all-day special visit. An inmate may leave and return to the Visiting Room more than once in this situation.

F. Generally, ex-employees will not be granted permission to visit except with immediate family members. This requires Warden/designee approval. Generally, department employees will not be approved to visit. Employees must make a written request to the Warden of the facility where the inmate is incarcerated to be considered, as well as the Warden of the facility to which the employee is assigned.

G. Generally, parolees and/or probationers will not be granted permission to visit during service of sentence and ex-felons will not be granted permission to visit for three (3)

years after expiration of sentence, except for immediate family who may be considered at the end of one (1) year. Exception may be made for a spouse who may be allowed to visit once a month by special approval from the Warden or designee. Ex-misdemeanants will not be granted permission to visit for six (6) months after expiration of sentence. Immediate family may be considered after three (3) months. In determining whether or not to approve a person with a criminal record, the nature and extent of that person's total criminal record plus his/her history of recent criminal activity will be weighed carefully against the benefits of visitation. The Warden shall retain final authority to review, assess, and approve/disapprove such applications to visit whenever they are received.

H. Any person shown by substantial evidence to have had or who quite likely will present/impose a harmful or deleterious effect on an inmate or who is considered to pose a threat to the good order and security of the institution shall be excluded from any approved visiting list.

I. Special visiting restrictions may be imposed by the facility because of scheduling, space, and/or personnel constraints. The maximum seating capacity of the Visiting Room is limited to ***335 persons*** by order of the State Fire Marshal.

J. The Warden or designee must approve all Visitation Request Forms submitted by the victim of a sexual offense or assaults.

K. The following procedures will affect inmates who have committed crimes in which the victims were minor aged children (under 19 years of age). This includes current and prior convictions and any verifiable plea agreements regarding it. Arrests without convictions may be considered if a pattern of prior abuse exists. The following offenses committed against minor children shall be considered: murder, manslaughter, sexual assault, assault, incest, fondling, child abuse, pornography, contributing to the delinquency of minor, terroristic threats, kidnapping, false imprisonment, or other related offenses.

1. The file of each inmate shall be reviewed to determine if any record entry exists meeting the above criteria. If such a record exists, the staff member reviewing the record will list out the information on the Inmate Summary of Assaultive/Abusive Contact with Minors (*Attachment 6)*.

2. The Records Office will have a red-inked stamp titled "Contact with Minor" and will so stamp the front cover of the inmate file. This information shall also be placed on the inmate visiting card. In addition, the Pass Clerk will mark the visiting pass to alert the Visiting Room staff that the inmate on visit has been identified per this policy.

3. Identified inmates will receive written notice of their visiting status relating to minor children and the guidelines for visits involving minors. (See *Attachment* 7)

4. Identified inmates will be allowed no physical contact with minor aged visitors. Visiting room staff shall closely monitor these visits. Any violation of this policy will result in termination of the visit, removal of the inmate and visitor from the visiting area, and the issuance of a misconduct report. Penalties imposed against inmates will be consistent with the agency's Code of Offenses. Actions imposed on visitors will be handled administratively as the Warden may direct.

5. The Warden, or designee, shall have the authority to impose visiting restrictions on identified inmates on a case-by-case basis. Actions may include restricting

these inmates to visiting children/youth at designated times and/or designated authorized areas, excluding visitors under the age of nineteen (19) from the inmate's approved visiting lists, and/or suspension of all visiting privileges until the inmate has received treatment intervention. The Unit Administrator will notify the Pass Clerk if any of these additional restrictions are imposed. Factors considered in making the above determination may include, but are not limited to the following concerns:

a. Length of time since last child related offense occurred

b. Seriousness of prior offense(s)

c. Number of prior offense(s)

d. Mental health status of minor child and/or inmate

e. Age of requested visitor and relationship to inmate

f. Inmate history of violence.

XII. VISITS BETWEEN "IMMEDIATE" FAMILY MEMBERS INCARCERATED IN DIFFERENT FACILITIES OF THE DEPARTMENT OF CORRECTIONAL SERVICES.

A. Inmates who are members of the same "immediate" family and who are incarcerated in different DCS facilities may be allowed to visit one another at TSCI if the visiting inmate is assigned to a community corrections center.

B. Visits between inmate "immediate" family members will take place at the Tecumseh State Correctional Institution in accordance with regular visiting days. These visits will take place in the visiting room rather than an attorney/ client room. All inmates participating in said visits will be strip-searched upon entering and exiting the institution.

C. Male inmate visitors will wear only institutional-issue clothing with the exception of shoes (personal shoes may be worn). Female inmate visitors will wear clothing that is approved by the inmate's parent institution.

D. Inmate "immediate" family members must request visits through their unit staff. Inmate "immediate" family member visits must receive the approval of both participating institutions' Wardens.

E. Visits between inmate "immediate" family members will occur no more frequently than once each three months.

XIII. INMATE REQUESTS FOR A LIST OF VISITORS

Any inmate may request a list of the names of those persons appearing on his approved visiting list by submitting an Inmate Interview Request Form (DCS-A-adm-013 - *Attachment 3*) to his Case Manager.

XIV. INMATE REQUESTS TO DELETE VISITORS

Any inmate may request that one or more persons listed on his approved visiting list be deleted from that list by completing a Visiting Deletion Request Form (DCA-A-adm-063 - *Attachment 4*) and submitting it to his Case Manager. Any visitor who is removed from an inmate's visiting list, regardless of whether or not it is at the request of a visitor or from an inmate, must wait for a minimum period of six months from the date of removal before he/she can again be added to that same inmate's visiting list or to any other inmate's visiting list. If that visitor desires again to be placed on an inmate's visiting list, he/she must resubmit a completed VRF to the institution. Inmate spouses, under certain circumstances, may request that the Warden waive a portion of any six month waiting period. These circumstances are described in the Policy section of this Operational Memorandum, paragraph 7. This section also prescribes how to request such consideration in these circumstances.

XV. PROCESSING VISITORS INTO THE INSTITUTION

A. Chapter 4 of the Department's Rule Book, titled VISITING, states:

"The Warden shall ensure that a record of each visitor who enters the facility be kept, including the visitors' verified identity, the dates and times of arrival and departure, and the names of the inmates visited."

B. The function of the Pass Clerk is to facilitate authorized and "special" visitors in and out of the institution, preserve security, and maintain records of visitor traffic. To ensure that the visiting process is conducted with these points in mind, the following basic rules and procedures shall be followed closely:

1. ALL visitors will be required to sign in and out of the institution.

2. Only those visitors who are listed on an inmate's authorized visiting list shall be permitted to visit. Each visitor, sixteen (16) years of age or older, must bring with him/her at least one form of photo identification and must present this document to the Pass Clerk each time he/she enters the institution.

   a. Examples of acceptable photo identification cards are:

      (1) Current driver's license with photo

      (2) Armed Forces identification card with photo

      (3) Employee identification card with photo

      (4) Any other verifiable identification card with a photograph on it

   b. Other support documents may include:

      (1) Marriage certificate

      (2) Birth certificate

(3) NOTE: Either of the documents listed in (a) and (b) above must be used in conjunction with at least one other form of acceptable photo I.D. card

c. The following I.D./documents normally will not be accepted as identification:

(1) Social Security cards

(2) Bank cards

(3) Student I.D. cards without pictures

(4) Business cards

(5) Hunting/fishing licenses

(6) Car registrations

(7) Medicare cards

3. The Pass Clerk shall exercise good judgment in establishing that each visitor has provided sufficient identification. If ever there is a question concerning the adequacy of a visitor's identification, the Pass Clerk shall consult the Unit Administrator or in his/her absence the Shift Supervisor who shall make the decision as to whether or not to deny a visit.

4. The Pass Clerk will cease processing visitors one hour after the beginning of each visiting session.

5. All civilian visitors entering TSCI for visits with inmates or for conducting business with TSCI and/or staff must lock up all personal property in the visitor lockers provided at the Gate House.

6. The Pass Clerk will fill out a Gate House Pass and direct the visitor to the appropriate visiting area. The visitor will be given the original of that pass while the Pass Clerk will document the visit on the computer system.

7. The Pass Clerk then will telephone the Housing Unit Control Center to report that a particular inmate has a visitor. The housing unit will promptly notify the inmate that he has a visit and make the necessary arrangements to send the inmate to the appropriate visiting area.

8. Any person who appears at the institution and requests to visit an inmate on a non-professional basis but who is not listed as an authorized visitor will be requested to wait while the matter is referred to the Unit Administrator for a decision. During weekends and holidays, the Shift Supervisor will handle all such referrals.

9. In certain special circumstances, TSCI may consider granting one visitor permission to visit two or more inmates simultaneously (e.g., a mother may want to visit her two sons during the same visiting period). Approval must be obtained from the Deputy Warden prior to the visit. If such approval is granted, it will be

communicated to the Pass Clerk who will indicate it on the respective inmates' visiting database.

10. The dates of all visits with inmates shall be recorded on each respective inmate's visiting database. There shall be no exceptions! This record shall not be revealed to the public without the written consent of the inmate.

11. A separate visiting list that contains the names of all individuals who have been approved to visit shall be kept for each inmate. The Pass Clerk shall update this list continuously and keep it accurate. Each list is confidential and shall not be revealed in part or in whole to the general public without the express written consent of the inmate.

12. All business visitors must sign in and out on the Visitors Register (DCS-A-sec-005) that is located at the Gate House desk/ counter.

XVI. MARKING VISITORS WITH INVISIBLE, SKIN-MARKING INK

A. After each visitor has been pat-searched and after each has passed through the metal detector, he/she shall be stamped/marked by the Pass Clerk with invisible skin-marking ink. The Pass Clerk is ultimately responsible for stamping the visitor(s) with invisible ink at the same time he/she is verifying identification. Each marking shall be placed on the underside of the left wrist approximately two to three inches above the area where a wrist watch would be worn. If the Pass Clerk is not available, the Gate House Corporal will be responsible to ensure the visitor is properly stamped.

B. Checking visitors with an ultraviolet light just prior to them leaving the institution.

1. Whenever visitors leave the Visiting Room and just prior to Central Control Corporal permitting them to enter the sally port, the Visiting Room Corporal will inspect their ultraviolet ink stamps/ markings under an ultraviolet light to determine if the original ultraviolet skin-markings are still there.

2. If the mark is intact, the Visiting Room Officer will signal Central Control Corporal to open the sally port door and allow the visitor to leave.

3. If the marking appears illegible, altered, or "suspiciously different" from what was originally stamped or written or if no mark is visible at all, the Visiting Room Corporal shall telephone Central Control and inform them of the problem and request that they so notify the Shift Supervisor. The visitor in question shall not be permitted to enter the sally port until the Shift Supervisor or a higher authority authorizes that person to pass through and leave the facility.

4. Any visitor who refuses to allow him/herself to be marked with invisible skin-marking ink will not be permitted to enter the institution.

5. During the search process the staff person performing the search will conduct a "black light" check of the stamp.

XVII. PROCESSING AN INMATE INTO THE VISITING AREA

Each inmate will be given a pass whenever he has a visit. He must take that pass to the visiting area where he will be strip-searched prior to entering. All items of clothing and personal items will

be inventoried on an Inmate Property Form. The form will be signed by the officer conducting the strip-search and then stapled to the inmate's pass. If the inmate has gum, he must dispose of it before entering the Visiting Room The inmate will be permitted to enter the Visiting Room as soon as he is processed. He will not have to wait for the scheduled starting time of the visiting period.

Inmates utilizing a wheelchair who are visiting in the visitation area will be pushed to the visiting gate by a health porter and processed in by visiting staff. The inmate will be pat searched only. The wheelchair will also be searched.

XVIII. METHODS OF SEARCHING VISITORS

A. Chapter 4 of the Department's Rule Book, titled VISITING, states:

"Each visitor must verify his/her identity. In addition, the Warden may require visitors entering the facility to submit to a search of person and belongings prior to entrance."

B. All visitors (including infants and children) entering TSCI for the purpose of visiting inmates or conducting business will be required to submit to a search of their person and belongings prior to entrance. Searches of minors will be completed by correctional staff of the same gender. If approved by the parent or legal guardian of the minor, a female staff may search minor males. Pat searches and/or canine searches if indicated will be done in the presence of and with the verbal consent of the accompanying adult. Refusal by a visitor or minor to submit to such a search will result in termination of the visit.

C. Trained personnel shall conduct pat searches of all visitors entering TSCI. Staff other than correctional officers may conduct pat searches provided they have received proper search technique training. If personal items are not secured outside the facility or in a visitor locker, staff shall search all said items. This includes briefcases, purses, etc., and applies to ALL visitors, including those identified/considered exempt from being pat searched.

D. Clergy, including Medicine Men, shall always be pat searched. Medicine Men may bring their medicine bags. These items will be visually searched and x-rayed when appropriate, but not touched.

E. Appointed/elected officials of the State of Nebraska will not be pat searched provided that they are under continuous escort by DCS staff. If an appointed/elected official requests to move about the facility without an escort, and such request is approved by the Warden or designee, then the appointed/elected official will be pat searched. Personal belongings (briefcase, purse, etc.) of appointed/elected officials will always be searched.

F. The Ombudsman, Assistant Ombudsman, Parole Board members and Parole Board staff will **not** be pat searched in the same manner as DCS staff. The Ombudsman may request to move about the facility without an escort, with approval by the Warden or designee. Personal belongings (briefcase, purse, etc.) of the Ombudsman will always be searched (*Attachment #8*)

G. All attorneys (including Assistant Attorneys General) will not be pat searched. All personal belongings (briefcase, purse, etc.) of attorneys will be searched

H. All Law Enforcement Personnel will not be pat searched prior to entering the facility. All personal belongings (briefcase, purse, etc.) will be searched. Law Enforcement personnel will not be required to successfully pass through the metal detector due to the

nature of the equipment they are required to carry. Firearms must be secured in their vehicle or Gatehouse.

I. Basic search techniques in conducting searches of visitors will be as follows:

1. Pat Search

a. This procedure shall be routine for all visitors entering the institution. This involves patting-down the visitor's clothing and body without the physical removal of clothing other than hats, jackets, shoes, wigs, and the emptying of pockets. Where infants are involved, the responsible adult will be asked to remove the child's diaper for inspection by the officer conducting the search procedure. When patting down a visitor's head, visitors may be asked to run a comb through their hair. They also may be asked to remove any hairpiece/wig/toupee, etc. so that it may be examined for possible contraband. In addition to being pat searched prior to entering the institution, a pat search may be conducted at any time during the visit at the discretion of visiting room staff or as directed by a supervising staff member. This type of search does not require the Warden's authorization.

(1) Female staff shall pat-search female visitors while male staff shall pat search male visitors. If/When a question arises as to the conduct of, or circumstances surrounding the conduct of, a pat-search the Shift Supervisor shall be consulted.

(2) Whenever a professional visitor is suspected of not wearing undergarments, staff members will make a statement reiterating the policy of undergarments and process the visitor in. Staff members will submit a detailed report of the incident.

(3) Staff shall refrain from deliberately searching a person's genitals or anus. Any touching of these areas of the body should be brief and incidental.

2. Metal Detector

Each visitor also will be requested to pass through a metal detector. In the event that the metal detector alarm is activated, the person will be required to remove all items from his/her pockets and walk through again.

3. Canine Searches

A. Canine units may be utilized to augment searches at entrance/exit points and in inmate living quarters, staff/inmate work areas, facility grounds and other areas as approved. An alert by a canine unit constitutes reasonable suspicion as defined in the NDCS Security Manual, Chapter 008.5 "Entrance/Exit Procedures."

1) *Alerts* will be followed by pat searches of person/articles/areas as deemed appropriate. NDCS Security Manual and Post Orders shall specify the procedures for canine assisted searches to include the level of authority necessary to request canine assistance.

2) An *Indication* by a canine during the screening of persons, property or areas constitutes probable cause to believe illegal drugs are present. At the discretion of the canine handler, and with the approval of the Warden, the existence of probable cause may result in a strip search of a suspect(s) with their consent and the denial to enter NDCS property. A NDCS investigator (or community law enforcement officer upon NDCS request) will complete an investigative interview of the suspect(s). The interview will determine or result in the detention/arrest of the suspect(s), or the attainment of a court ordered search warrant to facilitate a non-consensual search of a suspect's person, property, and vehicle. Where probable cause exists to suspect that illegal drugs are concealed in property or vehicle, that property or vehicle may be seized to prevent a suspect from removing or destroying evidence.

B. All searches will be approved in advance by the Major or higher authority. Canine units may also perform detection duties as assigned by the NDCS Security Coordinator, Emergency Management Supervisor or higher authority.

4. X-Ray Machine

All allowable carry-in items (i.e. purse, briefcase, lunch bag, etc.) will be searched through the use of the X-Ray machine located in the Gate House.

5. If, after being pat-searched or having passed through the metal detector, there still is reasonable suspicion that the person may be carrying contraband, further consensual searches may be requested. Only with the approval of the Warden or designee, who shall evaluate the grounds asserted to justify the search, will a visitor be requested to submit to more stringent searches. Two other types of searches that visitors may be asked to consent to are the Strip Search and the Body Cavity Search.

6. Strip Search

a. This type of search requires an individual to remove all articles of clothing and a visual examination is made of the body. Non-medical staff SHALL NOT touch any part of the nude body nor shall they make intrusions into any body orifice; however, they shall be permitted to make a visual examination of hair, mouth, ears, and nose. In addition, visitors may be asked to bend over to expose their anal areas. Male visitors may be asked to lift their testicles.

b. Strip searches shall occur ONLY when there is probable cause (probable suspicion) that a visitor is concealing contraband and ONLY after receiving a directive from the Warden or designee. This type of search shall occur ONLY when less offensive measures have not or would not render the institution secure against the introduction of contraband.

7. Body Cavity Search

a. This type of search is an extension of a strip search and includes penetrating a visitor's body cavities in an effort to discover contraband. ONLY AUTHORIZED MEDICAL PERSONNEL shall be allowed to touch or make intrusions into body orifices.

b. Such a search will be supervised by the State Patrol and conducted by authorized medical personnel at a local medical facility.

c. Body cavity searches shall occur ONLY when there is probable cause (probable suspicion) that a visitor is concealing contraband and ONLY after receiving a directive from the Warden or designee. This type of search shall occur ONLY when less intrusive measures have not or would not render the institution secure against the introduction of contraband.

J. UNDER NO CIRCUMSTANCES will a visitor be physically searched unless he/she voluntarily consents. Whenever a visitor is requested to submit to a strip or body cavity search and the visitor consents to one of these searches, the Pass Clerk will request another staff person to witness the visitor's consent after which the Pass Clerk will complete an Incident Report describing the whole incident which shall include the name of the person authorizing the particular type of search requested. If a visitor refuses to consent to any type of search, the visit shall be denied.

K. If contraband is found on the person or in the clothing of a visitor or if there has been an attempt to pass contraband between an inmate and a visitor, the contraband shall be confiscated and the visitor will be directed to have a seat at the Gate House until Law Enforcement arrives. NO FORCE shall be used in detaining an individual. Mere suspicion is not sufficient. A correctional employee must actually see the contraband in the possession of the visitor or changing hands between the person or persons involved.

L. The Tecumseh State Correctional Institution has the authority to order a private citizen to leave institutional grounds. If a citizen refuses to leave, the Johnson County Sheriff, and the State Patrol will be contacted and requested to provide their assistance in escorting the individual from State property.

XIX. CONDUCT DURING VISITS

A. Generally, it is the responsibility of the visitor and the inmate to conduct themselves in a manner that will not bring discredit upon themselves or be disruptive to other visitors in the area.

1. Visiting areas are equipped to afford a comfortable environment in which to visit. These areas contain chairs and tables in addition to adequate light and ventilation. In the interests of protecting the health and facilitating the comfort of visitors, inmates, and staff during visiting, smoking (which is defined as the carrying and/or using of any lighted cigarette, E-cigarette, cigar, pipe, or any other lighted tobacco smoking equipment) is prohibited in the institution for all individuals during visiting.

2. If the visitor has gum, it must be thrown away in an appropriate receptacle.

3. It is the responsibility of all visitors to supervise and maintain control over their accompanying children. NEITHER VISITORS NOR INMATES ARE PERMITTED TO USE CORPORAL PUNISHMENT ON CHILDREN OR OTHERS WHILE ON DEPARTMENT PROPERTY. If a child becomes disruptive during a visit and is not controlled by verbal direction from the supervising visitor or the inmate, the visit shall be terminated.

4. Visitors and inmates must obey officer instructions and all posted rules and regulations.

5. "Cross-visiting" is not allowed, i.e. visitors will only communicate with the inmate they came to see, not other visitors or inmates.

6. Visitors and inmates must accept joint responsibility for behaving in a mature, responsible manner that is respectful of the rights of other inmates and their visitors.

7. It is the responsibility of the visitor and the inmate to conduct themselves appropriately and not be disruptive. Visiting mothers may breast-feed their infant children in the visiting area provided the activity is done discretely.

8. The only types of physical contact are - (1) a short embrace and kiss when the inmate and visitor meet for the visit and again when the visitor is preparing to depart from the visit; (2) holding hands as long as the hands are in full view and the hand holding is neither improper or indecorous; (3) inmates holding their small children (age 3 and under) on their lap; (4) visitors and inmate sitting with an arm on the back of the adjacent chair.

   a. No other forms of physical contact are permitted. Examples of prohibited contact include, but are not limited to:

      (1) Either visitors or inmates sitting with an arm or their arms around each other.

      (2) Kissing

      (3) Caressing

      (4) Fondling

      (5) Visitors sitting on each other's lap or straddling chairs

      (6) All visitors will utilize the chairs provided in the Visiting Room for the duration of any visit period. Visitors and inmates must refrain from slouching or turning sideways in their chairs. (Children age ten and under may utilize the floor.)

   b. Inmates on "no contact" status with a minor will have no contact at any time with a minor, including at the beginning and end of visitation.

XX. TERMINATION AND SUSPENSION OF VISITS

A. Chapter 4 of the Department's Rule Book, titled VISITING, states in part:

"....Visitors may be refused admission to the facility or removed from a visiting list for violating visiting rules and regulations. The Warden will advise a person removed from a visiting list of the removal in writing, stating the reasons for the removal, with a copy to the inmate who was to have been visited."

B. It is the policy of the Department of Correctional Services to encourage visits between members of the community and inmates as a means of promoting the habilitation process. Inmates and visitors share a joint responsibility with the Department for conducting themselves properly during the visiting process (i.e., in such a manner that their behavior will not bring discredit upon themselves or be disruptive or offensive to other visitors in the area). A visit may be denied or terminated and visiting privileges suspended, either temporarily or permanently, under the following circumstances:

1. The drinking of alcohol or belief of being under the influence of alcohol.

2. The use of or being under the influence of illegal drugs.

3. The introduction of contraband or the attempt to introduce contraband into the facility.

   a. VISITORS WHO HAVE BEEN FOUND INTRODUCING OR ATTEMPTING TO BRING CONTRABAND INTO THE TECUMSEH STATE CORRECTIONAL INSTITUTION OR ITS EXTENDED LIMITS MAY BE SUBJECT TO CRIMINAL PROSECUTION UNDER NEBRASKA LAW.

4. The taking of unauthorized items or property from the facility (criminal prosecution under Nebraska law also is possible here).

5. Initiating or contributing to disruptive or improper behavior by either inmates or visitors that infringes upon other visits.

6. Refusal to submit to search procedures. Examples of such are:

   a. Refusal to submit to a pat search

   b. Refusal to submit to a strip search (when applicable)

   c. Refusal to submit to a body cavity search (when applicable)

   d. Refusal to pass through the metal detector

   e. Refusal to allow oneself to be marked with invisible skin-marking ink

   f. Refusal to submit to a search by a canine unit.

7. Refusal or failure to produce sufficient identification or the falsifying of identifying information by a visitor.

8. The violation of any posted visiting rule and regulation.

9. The failure to control or to prevent children from disturbing other persons in the visiting area.

10. The failure to follow an officer's instructions during the visiting process.

11. Leaving the visiting area and proceeding into an unauthorized area.

12. Leaving the visiting area, then leaving the institution, and then returning to resume a visit. Visitors will not be permitted to resume visiting their original inmate or any other inmate during the same visiting period.

13. Excessive physical contact between visitors and inmates. The only authorized physical contact between inmates and their visitors was detailed in section XIX.A.7.

14. Physical contact with a minor by an inmate on "no contact" status with minors.

15. Refusal to clean up the area that was used for the visit.

16. The observation by the Pass Clerk, Gate House Corporals, or other institution staff of an illness-related condition on a visitor's body which the observing employee reasonably believes indicates that the visitor is unfit to visit. Examples of such observable conditions include, but are not limited to, "open" or "running" sores and/or very poor hygiene.

17. Other reasons for denying, terminating, or suspending a visit as are reasonably necessary to preserve the security of the institution and good order in the Visiting Room.

18. The Administration reserves the right to withdraw the visiting privileges of any individual who refuses to comply with Departmental rules and regulations.

19. Visits also may be suspended or terminated for reasons beyond the institution's control, e.g., lack of sufficient visiting space, mechanical problems in the visitor areas, institutional emergencies, etc.

C. Prior to the termination of a visit or suspension of visiting privileges for any of the above visitor-related reasons, less restrictive alternatives may be attempted. Such alternatives may include warning the inmate and/or his visitor of their improper behavior. The officer will log this warning.

D. If Visiting Room staff observes behavior between an inmate and his visitor that he/she feels is inappropriate or disruptive, that officer shall contact the Shift Supervisor and inform him/her of the situation. The Shift Supervisor shall make the decision as to whether or not to immediately terminate the visit.

E. If it is determined that the behavior on the part of the visitor was serious enough to merit some type of suspension of visiting privileges, all available information shall be submitted to the Unit Administrator. The Unit Administrator will confer with the Warden or designee regarding the incident. If it is determined that a suspension is necessary the Unit Administrator will so inform the visitor by stating that fact in a letter, including the reasons for it, and sending it to the visitor, a copy of which also will be sent to the involved inmate as well as other DCS facilities for their review and consideration. The statement of reasons may be deleted if it would jeopardize the security of the institution or the safety of any individual. The letter shall also specify the length of time that the suspension is to last (i.e., whether permanently or for a specified period of time). In the case of an indefinite suspension, the letter shall include a date when that visitor may resubmit an application for visiting privileges.

F. Any inmate aggrieved by the removal from his visiting list of one or more of his authorized visitors may appeal such action through the regular grievance process.

G. Whenever an inmate receives a Misconduct Report which alleges some type of violation of the Visiting Regulations, the appropriate Disciplinary Committee, after reviewing the case and determining that a violation(s) did in fact occur, may suspend all of that inmate's visits for a specified period of time after which the Unit Administrator immediately will inform the inmate, in writing via a "Visit Suspension Notice" (Attachment 5), that all of his visits with the exception of attorneys, public officials, and clergy persons have been suspended for a specific number of days. If an inmate's visits have been suspended prior to the completion of the disciplinary process, any existing restriction imposed by the Disciplinary Committee will be credited from the date of the original suspension (similar to crediting Disciplinary Segregation for time served on Immediate Segregation).

H. The inmate involved will be responsible for notifying all persons on his visiting list of the restriction imposed. Visitors involved in the violation, if they were not previously suspended or terminated from visiting, may be permanently or temporarily removed from the inmate's visiting list by approval of the Warden or designee.

I. The Pass Clerk will maintain a list of all visitors who currently are suspended from visiting the Tecumseh State Correctional Institution. The Unit Administrator will forward a copy of all letters of suspension or reinstatement of visiting privileges to the Pass Clerk who will use same to update the list.

XXI. VISITOR DRESS CODE

A. Chapter 4 of the Department's Rule Book, titled VISITING, states:

"The Warden of the facility may establish and enforce a dress code for visitors."

B. When visiting, proper attire is expected. Clothing should not be distracting or offensive to inmates or other visitors and must be in good repair. Footwear in good repair is required. The following modes of dress are INAPPROPRIATE for visiting at the Tecumseh State Correctional Institution:

1. Shorts (10 years and under are excluded).

2. Skirts/dresses/skorts/culottes/capris less than the knee (bottom of knee while standing) (10 years and under are excluded). Dresses with slits must not have slits that go above the bottom of the knee while standing.

3. Halter tops, tube tops, sleeveless dresses or shirts, spaghetti/string-tied tops, backless tops, muscle shirts, tank tops, half shirts, crop tops, or other clothing revealing their shoulders, a bare midriff, or any part of the breast, chest or back, including when the wearer leans forward.

4. See-through clothing.

5. Not wearing undergarments (i.e. females must wear panty-hose and/or underwear and bra, males must wear underwear/undershorts).

6. Tights, leggings, stirrup pants, spandex/stretch pants (10 years and under are excluded). Capri pants ARE allowed. Tight form fitting clothing including skinny jeans, jeggings, etc. Pants must be worn at the waist, sagging pants are not allowed.

7. Visitors are not allowed to wear a combination of both khaki colored pants and a shirt at the same time when they visit. A visitor may wear khaki pants or a khaki shirt, but never both at the same time when visiting.

8. Hats or caps of any kind may not be worn while in the visiting area. Exception for hats should be made for approved visiting clergy.

9. Any clothing with offensive logos or messages, or security threat group signs or symbols.

10. Hooded shirts, sweaters, sweatshirts or other hooded apparel.

11. Heely tennis shoes (tennis shoes with built-in wheels/bearings).

C. Visitors must wear undergarments. Visitors may not wear athletic supporters or multiple layers of undergarments. Females must wear only one bra and only one pair of underwear. (10 years of age or under are not required to wear a bra) Males must only wear one pair of underwear/undershorts.

XXII. AUTHORIZED VISITING ROOM ARTICLES

A. TSCI staff are not responsible for visitors' personal items. Visitors are permitted to take the following items into the visiting room/area:

1. Heart and asthma medication. Other medication may not be taken into the Visiting Room without prior approval from the Warden/designee or the facility's physician. Medication must be in the original container.

2. ~~The following infant necessities will be permitted: 4 diapers, 1 bottle of formula~~ (must be in a clear baby bottle), 1 bottle of water/juice, 1 change of clothes, 1 pacifier, 6 paper towels or baby wipes, and simple non-weapon plastic type toys for preschool children. All other items including the diaper bag will be left at the Gate House. The Pass Clerk will provide a bag for the visitor to use in carrying these items to the Visiting Room.

3. Paper currency is not authorized; however, visitors/attorneys may bring up to twenty dollars ($20.00) in any combination of nickels (5¢), dimes (10¢), quarters (25¢) and dollar coins for use in the vending machines - where vending machines are available.

4. Inmates shall not be allowed to transport or attempt to transport money out of the Visiting Room. Any money confiscated in a post-visiting search will be disposed of in accordance with prescribed institutional regulations.

   a. Inmates may not leave or attempt to leave the Visiting Room with ANY AMOUNT OF MONEY.

5. Inmates may not take vending machine items back to their housing units from a visit.

6. Visitors/attorneys/approved clergy are permitted to purchase candy, sandwiches and soft drinks, etc., from the vending machines located in the Visiting Room. All items purchased from these machines must be consumed prior to the conclusion of a visit period and before visitors leave the Visiting Room. If visitors are returning for a subsequent session they may not leave items in the visiting room.

7. All items of personal property not specifically itemized in the following list must be secured in a visitor's personal vehicle or in the Gate House lockers provided by the facility. Non-listed articles shall not be permitted into the institution beyond the Gate House desk:

   a. Sufficient identification to verify the visitor's identity, visiting status, and/or relationship to a particular inmate.

   b. 1 Comb or pic

   c. 1 Watch

   d. 1 Handkerchief

   e. 1 Religious medallion or religious headgear (e.g., kufee, Native American headband)

   f. 1 Pair of prescription glasses

   g. Reasonable amount of jewelry as appropriate

   h. Coin purse/container

   i. Medically-authorized prosthetic appliances (e.g.):

      (1) Wheelchair or crutches/walkers

      (2) Canes

      (3) Hearing aids

      (4) Artificial limbs

(5) Service animals

8. Visitors wearing a coat, jacket, or other type of outerwear will not be permitted to carry them into the Visiting Room. Items such as these must be left in the Gate House in an available locker or hung on the coat rack. All types of headgear (e.g., hats, caps, sun visors, sweatbands, etc.) and/or articles which cover the head (e.g., bandannas, plastic shower caps, etc.) with the exception of recognized religious headgear (e.g., Kufee, Native American head-bands) also must be left in the Gate House and will not be permitted to be worn or carried in to the Visiting Room. In addition, visitors who have written documentation from a physician which states that, for medical reasons, they (the visitor) must wear some type of headgear or bandage or article which covers the head, may be permitted to wear such items into the Visiting Room while visiting. NOTE: TSCI WILL NOT, HOWEVER, ASSUME THE RESPONSIBILITY FOR GARMENTS OR HEADGEAR LEFT IN THE GATE HOUSE.

a. If ever the Pass Clerk or Visiting Room Corporal has a question relative to whether or not a particular type of head-gear should be considered "recognized religious headgear" or that it is required for medical reasons, that officer shall request assistance from the Shift Supervisor.

9. Visitor Purchases from the Vending Machines

a. Vending machines are located in the Visiting Room Vending Room and are to be used **only** by visitors.

b. Visitors are permitted to purchase candy, sandwiches, fruit and dairy products, soft drinks, etc., from the vending machines located in the Visiting Room. Both visitors and inmates, prior to leaving the Visiting room, must consume all items.

c. Inmates are not permitted near the vending machines at any time for any reason.

d. Visitors are not permitted to loiter near the vending machines.

e. Inmates in a non-contact visit are not allowed vending machine items; their visitors may purchase vending machine items for their own consumption, but not for the inmate.

f. Children may be allowed to take pictures that they have colored from the facility after staff review the pictures to ensure appropriateness.

10. Use of Restroom

a. Visitors will use the restrooms located on the east wall of the Visiting Room designated for visitor use.

A Visitor needing to use the restroom will notify the Visiting Room Officer. The Visiting Room Officer will escort the visitor to one of the search rooms located on the east wall of the Visiting room. The Officer will pat search the visitor and escort him/her to the restroom. The Officer

will wait until the visitor has finished using the restroom and will escort him/her back to search room to be re-pat searched before being allowed to return to the Visiting Room. After the Officer has completed searching the Visitor, the Visitor will be allowed to resume the visit.

b. Inmates will use the restroom located on the secure side of the search rooms of the Visiting Room.

(1) An inmate needing to use the restroom will notify the Visiting Room Officer. The Visiting Room Officer will escort the inmate to one of the search rooms. The officer will strip search the inmate and escort him to the restroom. The officer will wait until the inmate has finished using the restroom and will escort him back to the Visiting Room. The inmate will be under the officer's direct supervision at all times and will not be allowed to have contact with any other inmate.

(2) Under no circumstances will the assigned Visiting Room Officer leave the Visiting Room for assisting in search duties. The assigned officer(s) will perform search duties for those inmates on approved visit who need to use the restroom during their visit.

c. Visitors are not permitted to loiter in the restrooms or near the vending machines.

XXIII. INMATE DRESS CODE/POSSESSIONS DURING VISITING

A. Inmates in general population will be required to be in possession of their I.D. card. The following items of clothing will be authorized for inmates on pass to visit in the Administration Building. (Soiled, torn, or otherwise inappropriate clothing shall not be worn in the visiting rooms/areas.):

1. Pants (institutional issue only).

a. All pants will be kept neat and properly buttoned/zipped at all times.

b. Pants will not be altered in any way (including the removal of pockets, etc.).

c. Pants will be worn with an institutional belt. Pants must be worn at waist level. Sagging pants are not allowed.

d. Under shorts must be worn while visiting.

2. Shirts (institutional issue)

a. All shirts will be clean and properly buttoned with the exception of the top collar button.

b. All shirts must be tucked inside the pants at all times and must remain tucked in at the conclusion of the visit until the inmate is processed out of the visiting room.

c. Thermal underwear tops will not be permitted as an outer garment.

d. No sweatshirts will be permitted.

3. Shoes and socks

a. Shoes and socks will be worn at all times during a visit. The only exception to this would be medical authorization exempting the inmate from wearing normal footgear.

4. Headgear (hats, caps, etc.)

a. Recognized religious headgear (e.g. Kufee or Native American headband) may be worn by inmates in the visiting area. Other hats/caps will not be authorized except by special permission of the Deputy Warden or the Chief Medical Officer.

b. Hairs ties, rubber bands, beads and like items are not authorized to be worn in the Visiting Room.

5. Handkerchief, comb/pic, glasses, and jewelry

a. Inmates will be allowed to have one (1) handkerchief and either a comb or pic and wear one (1) necklace, one (1) ear/nose ring, and one (1) wedding band while on a visit. Only prescription glasses will be authorized. (No sunglasses, etc., except as may be authorized by the facility physician.)

6. Medication and medical/prosthetic appliances

a. No inmate will be allowed to have medication of any kind on his person unless he presents a written authorization for such medication signed by the facility's Warden.

b. Only authorized medical/prosthetic appliances (artificial limbs, canes, hearing aids, crutches, heart and asthma medication etc.) will be permitted in the visiting area.

7. Outer garments

a. Cold weather headgear, jackets, vests, etc. will not be worn in the Visiting Room but must be left in the Inmate Visiting area lockers.

b. No other clothing other than that described above (including white T-shirts, tank tops, bandannas, sweat clothing, gym shorts, etc.) will be permitted in the visiting area.

c. Inmates and their respective visitors will not be allowed to wear or exchange each other's clothing while visiting.

8. Possessions

   a. At the end of a visit, each inmate shall be strip-searched and a second inventory of his clothing and personal items made by the supervising officer. No inmate will be allowed to leave the visiting area with any item(s) not listed on the original inventory slip with the exception of any authorized photographs taken while he was in the Visiting Room. All unauthorized items will be considered contraband and shall be confiscated immediately.

9. Exceptions

   a. The Shift Supervisor or higher authority must be consulted at any time that an exception to the preceding guidelines appears necessary.

XXIV. A. CLOSED CIRCUIT TELEVISION SYSTEM (CCTV) VISITING

1. Generally visitors of SMU inmates visit via the CCTV system. Visitors must contact the Pass Clerk 72 hours in advance(but not more than two weeks) to schedule a visit. The Pass Clerk
will enter the visit on the Video Visiting Log.

2. Visits can be scheduled Monday through Sunday between 0800 and 2000 hours according the following:

   a. CCTV First Session: 0800 to 1100 hours

   b. CCTV Second Session: 1230 to 1530 hours

   c. CCTV Third Session: 1700 to 2000 hours

3. The length of the visit is determined in accordance with the inmate's segregated status in the SMU.

   a. Intensive Management status inmates receive up to one hour.

   b. Disciplinary Segregation status inmates receive up to two hours.

   c. Immediate Segregation status inmates receive up to two hours.

   d. Administrative Confinement status inmates receive up to three hours.

4. CCTV visitors will be processed in the same manner and must adhere to the same rules and regulations as any other inmate visitor with the following exceptions or additions:

   a. The Gatehouse Corporal and, if necessary, the Pass Clerk will search the CCTV room prior to and following each visit. CCTV visitors will be searched in the same manner as other visitors.

b. The dress code that applies to Visiting Room visitors will apply to CCTV visitors with the exception of coats. CCTV visitors may keep their coats and/or wear them, hoods must be off the head.

c. The Pass Clerk will call the SMU to give them the names of inmates who have visitors.

d. An inmate participating in CCTV visits will be dressed in his orange SMU jumpsuit, white undershirt and shoes. The jumpsuit must be properly worn and correctly fastened at all times during the visit.

e. The Pass Clerk with the assistance of the Gatehouse Corporal will supervise the CCTV visits in the following manner:

(1) Intermittent visual supervision.

(2) The Gatehouse Corporal should move throughout the CCTV room on a random basis.

(3) Video and/or audiotape. Be mindful of the presence of others when monitoring visits in this manner.

5. Visitor and Inmate Conduct During CCTV Visits.

a. Inmate(s) must remain seated during the visit.

b. If the visitor(s) leave the Gatehouse for any reason during a visit, the visit is finished.

c. Adult visitors must maintain control of their children during the visit so as not to disrupt other visitors.

d. Any lewd or sexually suggestive act by the visitor or the inmate will not be allowed and the visit will be terminated.

e. Security Threat group activity may be grounds to terminate a visit.

f. Visitors are not allowed to show photos, pictures etc. during a CCTV visit.

g. Visitors are not allowed to bring any electronic equipment into the CCTV room. All unauthorized items may be secured in the lockers provided.

h. No "cross-visiting" is allowed.

XXV. VISITATION APPROVAL/DENIAL

A. Visitors generally will not be permitted to visit prior to submitting a Visitation Request Form and having it approved by the Deputy Warden or designee.

B. Reasons for denying visiting privileges may include submitting an incomplete visiting form or falsifying any of the information on such a form.

XXVI. CITY TRANSPORTATION INFORMATION FOR VISITORS

A. The assigned Pass Clerk at TSCI will maintain current information regarding public transportation, bus and taxi schedules for visitors requesting such information. An area street map may also be used to show normal transportation routes between other agency facilities and their proximity to the Tecumseh State Correctional Institution. (4-4504)

XXVII. WHO TO CONTACT FOR QUESTIONS REGARDING VISITS

A. The Unit Administrator or the Deputy Warden (at TSCI) is the person to contact for problems or questions concerning visits.

B. Pertinent telephone numbers/addresses are as follows:

1. Tecumseh State Correctional Institution
P.O. Box 900
Tecumseh, NE 68450
(402) 335-5998

2. Nebraska State Penitentiary
P.O. Box 2500, 14th & Pioneers
Lincoln, NE 68542-2500
(402) 471-3161

3. Lincoln Correctional Center
P.O. Box 22800, Station B
32016 West Van Dorn
Lincoln, NE 68522-2800
(402) 471-2861

4. Diagnostic & Evaluation Center
PO Box 22800, Station B
3216 West Van Dorn
Lincoln, NE 68522
(402) 471-3330

5. Omaha Correctional Center
P.O. Box 11099
2323 Avenue 'J'
Omaha, NE 68110-0099
(402) 595-3964

6. Nebraska Correctional Center for Women
Rt. 1, Box 33
York, NE 68467-9714
(402) 362-3317

7. Community Corrections Center - Lincoln
2720 W. Van Dorn
Lincoln, NE 68522-9284
(402) 471-0740

8. Community Corrections Center - Omaha
   2320 E. Avenue 'J'
   Omaha, NE 68110-2766
   (402) 595-2010

9. Nebraska Correctional Youth Facility
   2610 N. 20th St. East
   Omaha, NE 68110
   (402) 545-2000

10. Work Ethic Camp
    2309 N. Hwy 83
    McCook, NE 69001
    (308) 345-8405

XXVIII. POSTING AND AVAILABILITY OF VISITING REGULATIONS

A. Chapter 4 of the Department's Rule Book, titled VISITING, states:

"The Warden shall ensure that copies of this rule and other regulations of the facility concerning visiting are posted at the entrance of the facility and at the visiting areas. The Warden shall provide copies to any person upon request."

B. TSCI has placed copies of this Operational Memorandum in the inmate Law Library and has posted a copy at the Gate House to the facility as well as in the Visiting Room. Visitors may request copies of this document from the Pass Clerk, by writing to the Warden, or accessing it at http://www.corrections.nebraska.gov/policiesmailphonevisit.html.

Attachments:

1. **Visitation Request Form (DCS-A-adm-012)**
2. **Special/Extended/Emergency Visit Request (DCS-A-adm-034)**
3. **Inmate Interview Request Form (DCS-A-adm-013)**
4. **Visiting Deletion Request (DCS-A-adm-063)**
5. **Visit Suspension Notice**
6. **Inmate Summary of Assaultive/Abusive Contact with Minors**
7. **Crimes Against Minor-Aged Victims**
8. **Entrance/Exit Procedures**
9. **Facility Visitation Request**