

201—20.3(904) Visits to offenders. Visiting is a privilege which allows offenders to maintain and strengthen relationships with family members and friends. Though visits are encouraged, institutions' space, schedules, personnel constraints, treatment considerations, or other safety and security issues of the institutions and their operations may result in limiting the number and length of visits. Visitation is additionally governed by the provisions of department of corrections policy OP-MTV-04.

20.3(1) Definitions.

"Application" means a written application identifying the visitor and the visitor's relationship to the offender.

"Background investigation" means the process by which central visiting authority staff verify the accuracy of a visitor's application for any reason.

"Central visiting authority" or *"CVA"* means the department office that conducts the visitor application approval process.

"Extended family" means the offender's aunts, uncles, nieces, nephews, cousins, great-grandparents, great-grandchildren, and in-laws.

"Group" means a family unit (e.g., aunt, uncle and minor nieces and nephews) residing at the same address.

"Immediate family" means an offender's spouse, mother, father, sister, brother, child, grandparent, grandchild (when minors become adults, they will be required to complete the formal visiting application process), established legal guardian or other who acted in place of parents, and step- or half-relation if the step- or half-relation and the offender were raised as cohabiting siblings.

"Offender" means a person who has been committed to the custody of the department of corrections or to a judicial district department of correctional services. "Offender" also includes a "violation" as that term is defined in 20.18(2).

"Personal search" means a pat-down search on top of the visitor's clothes or the nonintrusive use of an electronic search process.

"Visiting list" means the screened list of approved visitors with authorized visiting privileges at all department of corrections institutions.

20.3(2) Schedule. Each department of corrections institution will structure a visiting schedule allowing visitation for a minimum of four days per week. Each institution's visiting room will be open a minimum of four hours on each authorized day of visiting. The warden/superintendent will designate the time for visiting on certain days/holidays and advise the offenders. The offender is responsible for informing the visitor of the days and hours for visitation.

20.3(3) Authorized visitors.

a. The central visiting authority will establish an approved visiting list for each offender. This visiting list remains valid when the offender is transferred to another institution.

b. To meet facility design limitations and security considerations, the visiting list shall be limited to the following individuals:

(1) Immediate family members.

(2) A total of four other individuals or groups who are the offender's friends or extended family members.

(3) Minor children under the immediate supervision of their parent or legal guardian. The minor children of an offender shall also be allowed to visit under the immediate supervision of any adult on the offender's approved visiting list.

c. Limitation. An individual on the approved visiting list of one offender shall not be on the approved visiting list of another offender, regardless of the location(s) of the offenders. An exception may only be granted pursuant to 20.3(5) "b."

20.3(4) Nonauthorized visitors.

a. The following persons shall not be authorized to visit:

(1) Individuals whose behavior represents a control problem or is counterproductive to stable offender behavior. This determination may be reflected in the background investigation report which shows that the individual has a record of carrying concealed weapons, use of a controlled substance, previous violation of institutional rules, or similar behavior.

- (2) Individuals under criminal indictment.
- (3) Individuals on probation, work release, or parole.
- (4) Individuals found to be involved with or convicted of incidents of aiding an escape or introducing contraband in any detention or supervised correctional setting.
- (5) Individuals who intentionally give false information on the visitor's application form.
- (6) Individuals convicted of a felony.
- (7) Individuals who may compromise the order and security of the institution.

b. A person working in any institution as a volunteer shall not be on an offender's visiting list except with the permission of the warden/superintendent or designee.

c. Neither a victim of a sex offense, whether registered or not, nor the victim's family members will be approved for the visiting list of the perpetrator in the victim's case until department staff consult with the victim and restorative justice administrator of the department. Visitation requests from victims shall be considered only when the offender has successfully completed all recommended treatment programs of the department or board of parole. If the victim's or victim's family member's visitation request is denied, the victim or victim's family member may file an appeal pursuant to 20.3(6) "d."

d. A sex offender whose victim was a minor shall not be permitted to have any children on the offender's visiting list until the offender has completed the sex offender treatment program. After the offender's completion of the treatment program, a minor victim of the offender may be added to the offender's visiting list only with the approval of the institutional treatment team and the victim and restorative justice administrator of the department. Other children may be added to the offender's visiting list after the offender's completion of the treatment program and approval of the institutional treatment team.

e. An application from a victim of a crime other than a sex offense who seeks to be added to the visiting list of the perpetrator in the victim's case shall be reviewed with the victim and restorative justice administrator of the department prior to any approval or denial.

20.3(5) Exceptions. The following exceptions may be implemented by the central visiting authority upon the approval of the warden/superintendent or designee.

a. The offender's spouse, child, mother or father who is currently under department supervision or on probation, work release, or parole may be approved to visit the offender by the warden/superintendent or designee after consultation with the supervising parole/probation officer. The warden/superintendent or designee may authorize either contact or noncontact visiting.

b. The warden/superintendent or designee may grant an exception to the limitation in 20.3(3) "c" when the person is an immediate family member of more than one offender and seeks to be added to the visiting lists of only those offenders.

c. A former or current department employee or volunteer who is a member of an offender's immediate family may be approved to visit the offender by the warden/superintendent or designee.

d. A former department employee or volunteer who is not an immediate family member of an offender may be allowed to visit six months after leaving employment or ceasing volunteer service if the former employee or volunteer passes the normal background investigation, there are no security issues arising from the person's prior employment or volunteer service, and the CVA receives approval from the warden/superintendent or designee.

e. An offender who is an immediate family member discharged from prison without correctional supervision must wait six months before contact visits may be arranged. Noncontact visiting may be authorized only for the spouse, child, mother or father of an offender.

20.3(6) Application process.

a. Visitor application forms shall be provided to offenders at each institution. Offenders are responsible for mailing visitor application forms to prospective visitors, who may then apply to be added to the offender's visiting list. The completed visitor application form must be sent for processing to the central visiting authority at the following address: Mt. Pleasant Correctional Facility, Attn: Central Records, 1200 E. Washington, Mt. Pleasant, Iowa 52641.

b. All adults, including the offender's own children if they are 18 years of age or older, must complete the visitor application process in order to be considered for inclusion on an offender's visiting list.

c. Written notification. Written notification of denial of a visitor application will be given to both the offender and the applicant within 30 days from the CVA's receipt of the application. Notification of approval of a visitor application will be given only to the offender. The offender is responsible for notifying the approved visitor.

d. Appeals. When an application is denied, the applicant and the offender shall be apprised of the reasons for denial.

(1) Applicants may appeal to the warden/superintendent or designee in writing. An appeal by an applicant who is the victim of a sex offense, or who is the victim's family member, and is seeking to visit the perpetrator of the crime shall be reviewed in consultation with the department sex offender treatment director or the institution's treatment director for the moderate intensity family violence prevention program.

(2) The decision of the warden/superintendent or designee may be appealed to the director of the department of corrections or the director's designee. The decision of the director or the director's designee constitutes final agency action.

20.3(7) Removal from visiting list. If an offender wishes to have a visitor removed from the offender's visiting list, the offender shall complete the Removal of Visitor form contained in department policy OP-MTV-04 and send it to the central visiting authority. Upon receipt of the removal request, the central visiting authority shall respond to the request within seven business days and send a copy of the removal form to the offender. Once a visitor has been removed from a visiting list, six months must elapse before reapplication by the removed visitor.

20.3(8) Searches. Approved visitors shall be subject to search. In accordance with 20.3(14), the search may include a pat down, search by an electronic detection device, or visual search.

20.3(9) Identification. All visitors shall present proper identification upon entrance to the institution. Photo identification is preferred, but any identification presented shall identify personal characteristics, such as color of hair and eyes, height, weight, and birth date.

a. Signature cards may be required from visitors.

b. All visitors may be required to be photographed for future identification purposes only.

20.3(10) Special visitors.

a. *Law enforcement.* Division of criminal investigation agents, Federal Bureau of Investigation agents, and law enforcement officials shall present proof of identity upon entrance to the institution.

b. *Attorneys.* Attorneys must complete an initial visitor application form to visit an offender; however, this initial application shall apply to multiple visiting lists. After initial approval is established, attorneys must contact the central visiting authority at (319)385-9511 to be added to the visiting lists of additional offenders. Background checks are not required, and attorneys shall not be counted as a friend on an offender's visiting list as set forth in 20.3(3) "b."

Attorneys shall present proof of identity upon entrance to the institution. The offender must express a desire to visit with an attorney before the attorney will be admitted. Attorney visits shall be during normal visiting hours unless a special visit has been requested by the offender and approved by the warden/superintendent or designee prior to the visit.

An attorney testing positive by an electronic detection device may be required to visit without direct contact.

c. *Ministers.* Ministers must complete an initial visitor application form to visit an offender; however, this initial application shall apply to multiple visiting lists. After initial approval is established, ministers must contact the central visiting authority at (319)385-9511 to be added to the visiting lists of additional offenders. Background checks are required. Ministers shall not be counted as a friend on an offender's visiting list as set forth in 20.3(3) "b."

Ministers shall present proof of identity upon entrance to the institution. The offender must express a desire to visit a minister before the minister will be admitted. Minister visits shall be during

normal visiting hours unless a special visit has been requested by the offender and approved by the warden/superintendent or designee prior to the visit.

A minister testing positive by an electronic detection device may be required to visit without direct contact.

20.3(11) Termination of visiting privileges. Individuals may have visiting privileges modified or terminated when:

- a. The offender or visitor engages in behavior that may in any way be disruptive to the order and control of the institution.
- b. The visitor or offender fails to follow the established rules and procedures of the institution.
- c. The visitor and offender directly exchange or attempt to exchange any object or article. This restriction does not apply to purchases from the canteen or visiting room vending machines that are consumed during the visit.
- d. The visitor tests positive for drugs or explosives as determined by an authorized electronic detection device calibrated and operated for testing for the presence of drugs or other contraband.
- e. The visit or future visiting is detrimental to the health or welfare of the offender or visitor.
- f. The visitor does not supervise the visitor's children to prevent them from interfering with or disrupting other visits.

Offenders may request reconsideration of denied visitors six months after resolution of the reason for denial or when approved by the warden/superintendent or designee or regional deputy director.

20.3(12) Noncontact visiting. The warden/superintendent or designee may allow noncontact visits when the order or security of the institution may be threatened or when disciplinary rules or procedures have been violated. Noncontact visiting hours will be provided on a scheduled basis. The hours and days will be posted by the warden/superintendent or designee, and notice will be posted at least one week prior to any change. Visitors on the noncontact list at the time of a schedule change will be notified of the schedule change by regular mail sent to the last-known address.

20.3(13) Clothing. Visitors shall be properly attired prior to entering a correctional setting. All visitors shall wear shoes. Visitors wearing miniskirts, shorts, muscle shirts, see-through clothing or halter tops will not be allowed to visit. Visitors wearing clothing with slogans, pictures, or words intended to deprecate race, sex, or cultural values will not be allowed entry. Visitors may be required to remove for the duration of the visit outerwear such as, but not limited to, coats, hats, gloves, or sunglasses. A medical need for sunglasses must be verified by prescription.

20.3(14) Security procedures. Visitors may be requested to submit to a personal search (pat down) or an electronic search for weapons or contraband. "Personal search" means a pat-down search on top of the visitor's clothes or the nonintrusive use of an electronic search process. If the initial electronic test confirms the presence of a controlled substance, the visitor will be given a second confirmation test. When the electronic detection device alarm is activated, the visitor shall produce the item that set off the alarm or a personal search may be made to find the item. If the visitor refuses to submit to a search, access to visiting shall be denied and entrance shall be denied. All searches shall be conducted in a courteous manner to respect the visitor's privacy. Minors are subject to personal and electronic searches. When a visitor accompanied by a minor refuses to leave the minor with a staff person and does not want the minor present during the search, the visit will be denied. When a minor is searched, the supervising adult shall be present in the room at all times.

a. The warden/superintendent or designee will maintain records of all searches which produce positive results, including the name of each person subjected to a search, the names of the persons conducting and in attendance at the search, and the time, date, and place of the search. The written record shall reflect the reason for the search and the results of the search. The written authorization for the search shall be included in the record. Testing records will be maintained by the institution for one year and then expunged. Records of positive tests will be maintained for five years and then expunged. All testing records are confidential and will be released only upon the order of a court of proper jurisdiction.

b. When a visitor tests positive by an electronic search device, the visitor may appeal to the warden/superintendent or designee in writing. The decision of the warden/superintendent or designee

may be appealed to the director of the department of corrections or the director's designee. The decision of the director or the director's designee constitutes final agency action.

c. Staff may request that local law enforcement search visitors if search procedures or an electronic testing device shows that there is a clear, reliable reason to believe a particular visitor is attempting to smuggle contraband into the facility. If the search reveals drugs or illegal contraband, the item shall be confiscated and preserved by local law enforcement. Visitors found in possession of contraband shall be referred by local law enforcement to the county attorney for prosecution.

d. Facilities will establish procedures for personnel selection and training of search personnel. Operators will be trained in accordance with manufacturer's standards, which require 16 hours of initial certification and 4 hours of annual training thereafter. Each facility will have at least two certified trainers of trainers.

20.3(15) Sanctions. Visitors testing positive or refusing to be tested by an electronic detection device will be restricted.

a. Testing positive. The following restrictions will apply to visitors testing positive:

(1) First occurrence. Visiting privileges will be suspended from the date and time of the test for the next 2 visiting days. Future visits may be restricted to noncontact status.

(2) Second occurrence. Visiting privileges will be suspended from the date and time of the test for the next 7 visiting days. Future visits may be restricted to noncontact status.

(3) Third occurrence. Visiting privileges will be suspended from the date and time of the test for the next 15 visiting days. Future visits may be restricted to noncontact status.

(4) Fourth occurrence. Visiting privileges will be suspended from the date and time of the test for the next 30 visiting days. In addition, the visitor will be placed on noncontact visiting status for 180 days from the date of the first eligible visit. If the visitor tests positive from this date forward, visiting privileges may be permanently restricted to noncontact status.

Upon request by the visitor, the warden/superintendent or designee may allow visits in noncontact status for the first, second, and third occurrence pending the receipt of laboratory reports for any visitor testing positive by an electronic detection device.

b. Refusing to be tested. Refusal to submit to a drug test by an electronic testing device will result in suspension of visiting privileges for 15 calendar days from the time of refusal.

c. Written notification. Written notice regarding visiting status or facility access will be presented or mailed within 5 working days to any individual (nonoffenders) who tests positive or who refuses consent to search. Such notice will include the duration of any restriction and procedures for reconsideration or reinstatement.

20.3(16) Money orders and cashier's checks. Money orders and cashier's checks for deposit in the offender's account must be made payable to the Iowa Department of Corrections Central Bank and sent to: Fort Dodge Correctional Facility, 1550 L Street, Suite B, Fort Dodge, Iowa 50501, and must include the offender's name and ID number and the sender's name and address. Personal checks and cash will not be accepted. Suspected abuse of money requests from the public by an offender may be cause for limits or restrictions on the amounts of money which can be received and from whom money can be received.

20.3(17) Limits. Each institution, according to its facilities and conditions, shall limit the number of visitors an offender may have at any one time and the length of visits.

20.3(18) Segregation status. Offenders who are assigned to special units such as disciplinary detention or administrative segregation status may have visits modified in regard to place, time, and visitor, depending on the staff and space available.

20.3(19) Abuse of visiting privileges. Visiting privileges may be modified, suspended, or terminated when abuses are evidenced or planned.

20.3(20) Special visits. The warden/superintendent or designee may permit special visits not otherwise provided for in this rule. These may include, but are not limited to, extended visits for close family members traveling extended distances, immediate visits for close relatives or friends about to leave the area, visits necessary to straighten out critical personal affairs, and other visits for similar reasons. All these visits shall be at the sole discretion of the warden/superintendent or designee. When

ruling on such visits, the warden/superintendent or designee shall consider appropriate factors including the uniqueness of the circumstances involved for both the offender and the visitor; security, order, and administrative needs of the institution; and available alternatives to a special visit. The decision of the warden/superintendent or designee in these cases constitutes final agency action.

20.3(21) *Temporary modifications.* Visiting procedures may be temporarily modified or suspended in the following circumstances: riot, disturbance, fire, labor dispute, space and personnel restrictions, natural disaster, or other emergency.

This rule is intended to implement Iowa Code section 904.512.