



New York City Department of Investigation

**Visitor Searches at the New York City Department of Correction:
Ongoing Problems and Recommendations for Change**

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I. Executive Summary

One of the primary functions of the New York City Department of Correction (DOC) is maintaining safety and security within City jails—for inmates, for staff, and for visitors. Preventing the introduction of dangerous contraband, including drugs and weapons, into its facilities is a key part of this mission. However, DOC also has an obligation to safeguard the right of visitors to be free from unnecessary, invasive, and demeaning physical searches. Appropriate procedures and training can effectively balance security and dignity.

In December 2016, the New York City Department of Investigation (DOI) sent a letter to DOC's then-Commissioner Joseph Ponte, detailing our investigation into inappropriate visitor searches (DOI's 2016 Letter). DOI asked DOC to issue a new Directive that (i) required searches be conducted in public unless the visitor requested otherwise; (ii) allowed only specific and limited contact with a visitor's breasts, buttocks, and genitals; and (iii) expressly prohibited insertion of fingers into orifices during pat frisk searches. DOI also made a series of policy and procedure recommendations (PPRs). They were:

- Require all DOC visitation staff to undergo training for conducting Directive-based pat frisk searches.
- Pat frisk searches that include searches of a visitor's groin, bra, or buttocks should be specific and limited, following procedures clearly detailed in the Directive.
- Conduct pat frisk searches in an open area unless a visitor requests, for privacy, medical, or religious reasons, to be searched in separate private area.
- Conspicuously post signs containing English and Spanish text descriptions and graphic illustrations in all visitation facilities informing visitors of DOC pat frisk search procedures.
- Assign at least one drug-sniffing canine to each DOC visitor facility.

In its July 2017 response, DOC issued a Revised Directive for Inmate Visit Procedures. However, it contained no new material regarding the visit process (except to specify proper procedure for searching religious headwear and jewelry), and incorporated its existing 2008 procedures relating to pat frisk searches of visitors.

Following several visitor search-related complaints, in late February 2018, DOI commenced a follow-up investigation to ascertain the extent to which DOC implemented DOI's PPRs. That investigation's time frame was from March 2018 through January 2019, and encompassed the 2017 Revised Directive discussed above, and the 2018 Revised Directive, discussed below.

On June 1, 2018, DOC again revised its visitor search procedures (DOC's 2018 Revised Directive). This time, DOC fully set forth the parameters of the pat frisk search, and detailed the limitations of contact with a visitor's skin, which implemented some of the corrective measures DOI had recommended in our 2016 Letter. In addition, DOC increased video surveillance coverage and placed full body scanners in some visitor screening areas. To date, there are cameras in search areas, but the video footage is not reviewed in real time, or even regularly spot-checked (unless a time and location is specifically requested, and then it may be reviewed only with permission of the Office of the Chief of Department). Full body scanners are currently deployed at two facilities (the Otis Bantum Correctional Center and the George R. Vierno Center) and are in use.

Despite DOC's 2018 Revised Directive, DOI has continued to receive complaints from DOC visitors that they have been subjected to improper searches, including strip searches and body cavity searches. Starting in the Spring of 2018 and continuing after the issuance of DOC's 2018 Revised Directive in June, DOI noticed an increased number of complaints, primarily from female visitors, that DOC correction officers (COs) had subjected them to impermissible strip searches or body cavity searches, both of which are forbidden under DOC policies. In addition, visitors have complained that they are subjected to pat frisk searches even when they have requested either to be granted a non-contact visit or to forgo their visit altogether.

DOI's investigation determined that DOC continues to subject visitors, mostly women, to invasive searches that violate DOC's own policies and are inconsistent with the dignity and rights of visitors. In what appears to be a misplaced emphasis on privacy, these searches are often conducted by a sole CO in locations that are hidden from public view. Although DOC's current Directive states that pat frisk searches should be conducted "in an area away from public view," we renew our recommendation that DOC default to public area searches, unless the visitor requests a private search. Moreover, even within DOC's current Directive, COs are not adhering to proper procedure, including that the search must be conducted by an officer other than the regular search officer, under a captain's supervision and with recorded video surveillance, and only after the visitor has voluntarily signed a consent form.¹ According to the complaints DOI received, and a review of video footage from searches, officers have removed visitors to private locations, whether or not a visitor requested seclusion; have conducted improper and non-consensual pat frisk searches; and have conducted improper strip searches that included removal of visitors' pants and undergarments.²

Under both DOC policy and best practices, a proper pat frisk search should not involve removing clothing (other than outerwear or accessories such as a belt), inserting fingers in body parts, or protracted touching of breasts, groin, or buttocks. Furthermore, proper pat frisk searches could and should be conducted in the open for the protection of all involved. Public searches protect visitors against excessively invasive searches, and protect officers from false

¹ A visitor must sign a Search Consent Report (Form 439) prior to being pat frisked. An officer is not allowed to touch a visitor without a signed consent form. The visitor may sign the consent form and check "I do NOT consent" if they do not want to be pat frisked.

² DOI did not receive any complaints regarding improper searches from visitors to Rose M. Singer Center, West Facility, North Infirmary Command, Robert N. Davoren Complex, and Eric M. Taylor Center for visits that transpired within the relevant time period (March 2018 through March 2019).

allegations made by visitors.³ Refraining from improper searches does not reduce safety and security at DOC facilities, as DOC personnel always retain the option of limiting a visitor to a non-contact visit or denying a visit altogether.

This Report emphasizes the critical need for DOC not only to accept the recommendations made in DOI's 2016 Letter, which were largely adopted in DOC's 2018 Revised Directive, but also to effectively implement these policies and practices to ensure all correction officers conduct pat frisk searches properly. DOI further adds additional policy and procedure recommendations, which can be found at the end of this Report, in Section IV: Conclusions and Recommendations.

II. DOC's Current Policies

A. Pat Frisk Searches

At present, DOC's 2018 Revised Directive, Section IV (C) addresses visitor pat frisk searches. After having cleared a magnetometer, transfrisker,⁴ and often a canine search, a visitor to a DOC facility can be subjected to a pat frisk search only after the visitor has been informed that he or she has the right to refuse the search. If the visitor refuses a pat frisk search, the visitor may be permitted a non-contact visit, or may be denied the visit entirely. If the visitor consents to the search, he or she must sign a Form 439: Search Consent Report, and must be warned both verbally and in writing that if the pat frisk search uncovers contraband, the visitor will be arrested. The visitor is then given the choice, again, of agreeing to the search, having a non-contact visit, or exiting the facility without a visit. (Subsections 2-6.)

Subsection 8 of the 2018 Revised Directive (attached as Appendix A) sets forth the procedure for a proper pat frisk search. It requires a thorough search outside the visitor's clothing; allows the visitor's skin to be touched only at the shirt sleeves and collar; prohibits prolonged contact with the visitor's breasts, groin, or buttocks; and prescribes the manner of the search in detail. Contrary to DOI's recommendation, the 2018 Revised Directive requires pat frisk searches to be conducted "in an area away from public view." Pat frisk searches are supposed to be conducted only under supervision and by an officer of the same gender as the visitor.

B. Signage

Section IV (B) of DOC's 2018 Revised Directive requires that "[t]he Department shall include the visit search procedures and any other visit rules and regulations in an informational poster for visitors. These procedures shall also be prominently posted in all visit search areas." In July 2018, DOI investigators conducted follow-up on-location visits to Rikers' jails and found that at least five of the facilities on Rikers had posted signage in the visit areas. The signs detailed the pat frisk procedures in English and Spanish; they were outside of the facility prior to the visitors entering the waiting room, in the waiting rooms, and in the search-areas.

³ Conducting pat frisk searches in public view is not unusual, and is the practice employed by the Transportation Security Administration at airports, unless the traveler requests a private area for the search.

⁴ A transfrisker is a handheld device used in searching to detect the presence of metal.

III. DOI's Findings

DOI investigators reviewed Genetec⁵ video footage from randomly selected dates on which visitors were found to be in possession of contraband; the overall timeframe DOI examined was from March 2018 to March 2019. The purpose of our investigation was to examine DOC staff's methodology in conducting searches; to determine whether officers were complying with DOC's 2018 Revised Directive; and to assess whether further changes to DOC's policies, practices, or training were warranted. DOI investigators also interviewed visitors and DOC staff. The specific video-recorded incidents examined below are those that resulted in the recovery of contraband, because that was an efficient way for DOI to identify when searches had occurred. However, our overall review indicates that improper searches are occurring in situations where no contraband is ultimately recovered, as we note later in the Report.

During the investigation, DOI identified a number of troubling deviations from both DOC policy and best practices. For example, COs continue to conduct pat frisk searches without consent and without proper supervision. Pat frisk searches continue to be conducted improperly, with excessive physical contact with visitors' bodies, and, at times, removal of clothing and contact with visitors' bare skin, including in sensitive areas. Although DOC policy currently instructs COs to conduct pat frisk searches in areas away from public view, the permitted search areas are supposed to be those covered by video surveillance. However, we learned that some visitor searches are taking place in areas outside video coverage, including in restrooms. In addition, COs assigned to some visitor areas are often under-trained or ineffectively trained in DOC procedures regarding visitor searches and the prevention of contraband. DOI further found that certain COs, particularly those assigned to Manhattan Detention Center (MDC), knew the rules, but consciously disregarded them. DOI's specific findings are detailed below in the sections relating to each DOC facility.

A. Facility Site Visits: Overview

After DOC's 2018 Revised Directive took effect, and pursuant to our investigation, DOI investigators conducted unannounced site visits of various DOC visit locations. These visits and interviews with COs identified a number of issues, as well as criminal behavior, some examples of which are discussed below. In particular, criminal behavior discovered at MDC revealed that DOC staff knowingly and intentionally violated DOC's rules and policies. A common thread in most of the facilities is that staff members have varying understandings of DOC's 2018 Revised Directive, which leaves them susceptible to misinterpreting the extent of their authority. This confusion is amplified by the inconsistent implementation of the requirements of the 2018 Revised Directive. The result is that across DOC facilities, there is no uniformity and consistency regarding visitor search practices. It is imperative that DOC staff has a clear understanding of proper search procedures to ensure the integrity of the visitor search process,

⁵ Genetec is the platform that supports the video surveillance deployed at all jails and facilities on Rikers Island and borough facilities (Genetec shows surveillance from all DOC facilities). It enables footage to be watched in real time, and records and saves images for ninety days. However, footage from visitor search areas is not universally available on Genetec, and is available, if at all, from DOC Information Technology, only upon the approval of the Office of the Chief of Department. There are no video surveillance cameras in any restroom.

that DOC work towards effective and consistent implementation of its own Directives, and that criminal behavior is no longer tolerated.

1. Staffing in Visitor Search Areas

Some COs felt that their respective facilities were short-staffed in the visitor screening area. All DOC visit areas are supposed to have a steady captain to oversee visitor searches. However, some COs informed DOI investigators that their respective facilities did not have a steady captain assigned to visits. Many COs were unaware that DOC policy required a captain to be present during pat frisk searches of visitors.

2. Procedures Regarding Contraband

In speaking with DOC visit staff, DOI investigators learned that COs were often unfamiliar with the proper procedures to be followed when contraband was discovered on a visitor. Under no circumstances does DOC allow visitors to be strip searched. However, some DOC staff at MDC knowingly engaged in these impermissible and prohibited searches when visitors were suspected of having contraband. Some COs across all facilities believed that if a visitor was found to be in possession of contraband, staff could continue to search the visitor; other staff believed that once a visitor was found with contraband, the search should stop, and the visitor was to be put into isolation until the Correction Intelligence Bureau⁶ (CIB) arrived to arrest the visitor. DOC's 2018 Revised Directive was silent on the issue, which likely contributes to the confusion among CO staff.

3. Specific Search Situations

Our interviews also revealed that COs had different understandings of proper procedure regarding searching minors under the age of 16, and searching female visitors wearing dresses or skirts. DOC's 2018 Revised Directive states that if a pat frisk search is required of a visitor under the age of 16, written consent should be obtained from the accompanying adult and the minor (if the minor is able to write). Many COs reported allowing the minor's parent or guardian to conduct the search as the CO looked on from a close distance, and other COs said that they conducted the search themselves. According to DOC's 2018 Revised Directive, a female visitor wearing a skirt shall be given a non-contact visit if the nature of the skirt makes it impossible to conduct an effective pat frisk search. The Revised Directive also contains general instructions about clothing, including that a "visitor may be required to lift, raise, or adjust their clothing for a visual inspection (e.g. lift pant legs to show ankles or unfurl a cuffed pant hem). The visitor will not be asked to remove or lift any article of clothing that would expose a sensitive area." When asked about the search procedure for a female visitor wearing a dress or skirt, some COs require visitors to lift the skirt hem to their knees. Other COs have visitors lift skirt hems all the way up to just below their groin, exposing their full leg.

⁶ The Correction Intelligence Bureau is responsible for investigating crimes committed by both inmates and visitors on DOC property.

4. Search Consent Reports

During the course of the investigation, DOI investigators reviewed Search Consent reports from various facilities. DOI found that in many instances, the Search Consent reports were not completely filled out and were frequently missing critical information, including the date and time of the search, whether or not the visitor consented to the pat frisk, and the reason for the pat frisk. In some cases, the CO or supervisor (or both) who conducted or oversaw the pat frisk did not sign the consent form, or signed illegibly. In some cases, no supervisor oversaw the pat frisk at all. At one facility, DOI investigators found that COs did not fill out the heading of the Search Consent report, but rather stapled the Visit Express ticket to the Search Consent report. At MDC, DOI investigators, working with New York County District Attorney's Office (DANY), found that some DOC staff falsified these reports (a number of these incidents are discussed at pages 13-18, *supra*).

B. Central Visits Building (Rikers Island Only)

Visitation at Rikers Island begins when the public transportation bus arrives to the front of the Perry Building. A CO enters the bus and advises all visitors that contraband items are prohibited, and that visitors may leave any contraband items on the bus without punishment. Visitors are lined up in the Perry Building prior to entering the Benjamin Ward Central Visits Building (Central Visits). Upon entry, an officer with a drug-sniffing canine walks past the line of visitors to ascertain if any of them have narcotics or marijuana on their person. If the canine alerts to the presence of narcotics on a visitor, the K-9 Unit CO notifies a CO assigned to the Special Search Team. The visitor should then be asked if he or she would consent to a pat frisk search. That CO then escorts the visitor to a search room in Central Visits, which is under recorded video surveillance. The CO should present the visitor with a search consent form that the visitor must sign prior to the pat frisk search. If the visitor declines to be pat frisked they are denied the visit, or may opt to have a non-contact visit.

If the canine does not alert to the visitor, the visitor proceeds to Central Visits where they secure their property in lockers. Visitors then pass through the magnetometer and place outer clothing items through a scanning machine. In the event the visitor does not clear the magnetometer, he or she is afforded an option to undergo a pat frisk search. If a visitor fails to clear the magnetometer and refuses to be searched further, the visitor is denied the visit, or may be permitted a non-contact visit. Consent forms are provided for the visitor to sign prior to entering the pat frisk search area. The search area is an isolated area with two single occupancy search pens equipped with recorded video surveillance.

Inside the Central Visits building are several signs, in English and Spanish, with warnings listing forbidden contraband items. On one bulletin board, DOC posted an explanation (in English only) of the pat frisk search consent form, detailing the areas of the body the searcher is permitted to touch (only at the shirt sleeves and collar), how the pat frisk search would be performed by the officer, and what a visitor may be required to remove (outer garments, hat, coats and shoes only). However, the word "Read!" is written diagonally across the top of posted instructions in red marker and the word "Sample" is written diagonally through the body of the

instructions and underscored three times. Those handwritten additions largely obscure the content of the sign.

C. Anna M. Kross Center (AMKC)

AMKC is a facility on Rikers Island that houses male inmates. In the AMKC visitor area, DOI investigators found English and Spanish signage posted, containing text descriptions and graphic illustrations of DOC pat frisk search procedure. DOI investigators also found English-only signs posted next to the search area reading “you are in this area because you have consented to a pat frisk NOT a strip search.”⁷ DOC staff on post told DOI investigators that if they deemed a pat frisk search necessary, they had to obtain the visitor’s consent. Search consent forms were available at the officer’s station. DOC staff also reported that a pat frisk search would be conducted in a private area, away from other visitors and, when possible, in a supervisor’s presence. There were approximately 10 cameras located in the visit waiting area, six additional cameras in a secondary visitor waiting area, and a camera between the two visitor waiting areas in a location where staff claimed the pat frisk searches were conducted.

During a site visit and a review of video surveillance, DOI investigators observed a camera mounted on the ceiling facing the direction of the pat frisk area, but were unable to locate the camera angle on Genetec. In November 2018, DOI notified DOC’s Communication Unit, which is responsible for the installation of cameras, regarding the missing camera angle. The DOC Communication Unit reported that the camera in question was installed in December 2016, but was not activated until they received the inquiry from DOI nearly two years later. This is particularly troubling since in 2017 the DOC Investigation Division (ID), which is responsible for investigating employee misconduct, received four allegations of improper visitor searches at AMKC, yet according to available records, ID never requested video of the search area at AMKC to investigate the allegations. Had ID done so, they would have learned that the search area camera was inoperable and presumably alerted the DOC Communications Unit of the oversight.

DOI investigators reviewed video footage of an incident in the AMKC Visit Reception area that occurred on April 13, 2018 (before DOC’s 2018 Revised Directive went into effect). At approximately 12:03 p.m., a female visitor (Visitor 1), wearing a pink and white shirt, entered the visitors’ waiting area. Emergency Services Unit (ESU) K-9 Handler CO A then conducted a K-9 search on Visitor 1 and several other visitors who were standing in a line in the visitor waiting area. The K-9 did not appear to alert to any of the visitors.⁸ At approximately 1:05 p.m., Visitor 1 and other visitors lined up just outside of the pat frisk search area. When it was Visitor 1’s turn, she proceeded to the search area (a small area screened off on the other side of a magnetometer). CO B appeared to give Visitor 1 verbal instructions, while reaching over into the search area. Visitor 1 was not seen signing a form. The search area itself was not visible due to a blue screen obscuring the camera on one side and a magnetometer obscuring the camera on the other side. Due to those obstructions, DOI cannot determine what manner of search took

⁷ This sign is misleading: a visitor consents to a pat frisk search only after signing the consent form.

⁸ According to DOC’s Canine Unit Directive 4531R-B, effective May 3, 2017, the dogs are trained to “alert” passively, by sitting down in front of the subject on whom the dog has detected contraband.

place, but Visitor 1 was in the screened-off search area for approximately one minute. DOC records related to the search of Visitor 1 reflect that CO A's K-9 alerted to Visitor 1 while conducting a search of the AMKC visitors (contrary to the observed video footage, which does not show the K-9 alerting to Visitor 1 or any other visitor in her vicinity). DOC records further reflect that CO B recovered a black balloon from Visitor 1, which contained 13 suboxone strips, 10 Xanax pills, and 1 endocet pill. According to DOC records, Visitor 1 surrendered the contraband during a routine pat frisk. Following recovery of the contraband, CO B escorted Visitor 1, un-cuffed, to a holding pen.

DOI investigators attempted to interview Visitor 1, but were unable to contact her.

DOI was not able to corroborate if the search of Visitor 1 was done in compliance with DOC policy because the camera facing the pat frisk search area was not operable. Discrepancies in the available video evidence are cause for concern however, given that there was a lack of evidence of a K-9 alert and a lack of evidence that Visitor 1 was given or signed the mandatory consent form. The gap in video coverage of the search area leaves visitors at risk of an improper search, and officers susceptible to misconduct allegations.

D. Rose M. Singer Center (RMSC)

RMSC is a facility on Riker's Island that houses female inmates. DOI investigators found English and Spanish signage posted in the visitor screening area containing text descriptions and graphic illustrations of DOC pat frisk search procedure. DOI investigators also found English-only signs posted next to the search area reading "you are in this area because you have consented to a pat frisk NOT a strip search." DOC staff at RMSC reported that a pat frisk search would be conducted in a private area away from other visitors and, when possible, in a supervisor's presence. There were approximately eight cameras located in the visit waiting area; three additional cameras in a secondary visitor waiting area; and a camera located in the designated pat frisk search area. Search consent forms were available at the officer's station. As noted above, DOI received no visitor complaints during the relevant period about improper searches at RMSC.

E. George Motchan Detention Center (GMDC)

GMDC is a facility on Rikers Island that formerly housed male inmates.⁹ DOI investigators found English and Spanish signage posted in the visitor screening area containing text descriptions and graphic illustrations of DOC pat frisk search procedure. DOI investigators also found English-only signs posted next to the search area reading "you are in this area because you have consented to a pat frisk NOT a strip search." There were approximately eight cameras located in the visit waiting area and three additional cameras in a secondary visitor waiting area. Pat frisk searches were done in a private area adjacent to the waiting area; surveillance cameras are visible in the area. Search consent forms were available at the officer's station.

DOI investigators reviewed video footage captured on March 11, 2018 from GMDC Visit Reception areas (before DOC's 2018 Revised Directive went into effect). At approximately

⁹ On or about June 1, 2018, GMDC closed and no longer houses inmates.

12:34 p.m., a female visitor (Visitor 2), wearing a long-sleeved green shirt and grey sweatpants, entered the search area. A female CO conducted a visual search and had Visitor 2 shake out her shirt and bra, expose her calf, expose her waistband, and roll down her socks; the CO did not make any physical contact with Visitor 2. Visitor 2 left the search area approximately one minute later and went into the visitor waiting room. Visitor 2 sat there for approximately 20 minutes, then proceeded to the staircase leading to the visits area. Once Visitor 2 reached the visits area, CO C stopped her. CO C asked her to open her mouth and Visitor 2 complied. CO C stuck her ungloved hand out and Visitor 2 leaned over and spat a blue object into the CO C's hand. CO C showed the object to another CO stationed in the control room. At 1:02 p.m., a uniformed male CO escorted Visitor 2, with her hands cuffed behind her back, out of the visits area. A male captain followed. No COs conducted a pat frisk on this visitor. Visitor 2 was arrested and charged with promoting prison contraband in the second degree and unlawful possession of marijuana. This search and DOC's subsequent actions are in compliance with DOC directives.

DOI reviewed a report regarding the encounter with Visitor 2 submitted by CO C, which is consistent with the video evidence. In sum and substance, CO C reported that she observed Visitor 2 place an unknown object in her mouth and noticed an object in Visitor 2's jaw. CO C further reported that she told Visitor 2 to surrender what she had in her mouth and Visitor 2 complied. DOI investigators unsuccessfully attempted to contact Visitor 2.

F. George R. Vierno Center (GRVC)

GRVC is a facility on Rikers Island that houses male inmates. DOI investigators found English and Spanish signage posted in the visitor screening area containing text descriptions and graphic illustrations of DOC pat frisk search procedure. DOI investigators also found one sign in English regarding pat frisk searches of visitors posted at the GRVC visitors' main entrance, and one sign in English posted in the window of the visit control room. DOC staff reported that a pat frisk search would be conducted in a private area away from other visitors and, when possible, in a supervisor's presence. There were approximately eight cameras located in the visit waiting area and three additional cameras in a secondary visitor waiting area. DOC staff reported that pat frisk searches were conducted in the secondary visit waiting area in private, while no other visitors are present. Search consent forms were available at the officer's station.

DOI investigators reviewed video footage captured on April 26, 2018, from the GRVC Visitor Center and Waiting Room (before DOC's 2018 Revised Directive went into effect). At approximately 8:35 p.m., a female CO conducted a visual search on a female visitor (Visitor 3), who was wearing a white tee shirt with red writing and grey sweatpants. The CO had Visitor 3 shake out her shirt and bra, expose her calf, expose her waistband, and roll down her socks; the CO did not make any physical contact with Visitor 3. Visitor 3 was then allowed to proceed to the visitor waiting area where she joined several other waiting visitors. A short time later, a K-9, its handler, and another CO entered and searched Visitor 3 and another person. The K-9 did not appear to alert to either visitor. A female CIB officer escorted Visitor 3 into the search area and handed her a paper.

The video camera pointed toward the search area (a three-sided painted cinderblock structure approximately five and a half feet tall) was partially blocked by one of the structure's walls, and the view was further obstructed by the magnetometer and, in this instance, a second female CO. DOI could not ascertain whether Visitor 3 signed the paper given to her by the female CIB officer. The video captured Visitor 3 lifting her arms and turning in a circle. During the search, Visitor 3 briefly came into full camera view and her pants appeared to be down around her thighs (DOI cannot determine how long Visitor 3's pants were down or the cause of the pants being lowered, given the obstructed camera view). The search lasted approximately three minutes. The CO conducting the search appeared to handcuff Visitor 3 and escort her from the search room. Either the CIB officer or a CO recovered two blue balloons containing marijuana from Visitor 3. Visitor 3 was arrested and charged with promoting prison contraband in the second degree and unlawful possession of marijuana. Because of the obstructed views, DOI could not determine from the video whether Visitor 3 voluntarily handed over the contraband, or DOC conducted a pat frisk search or strip search, and if so, how the search was done, and who recovered the contraband.

DOI investigators reviewed reports submitted by ESU K-9 Handler CO D and CIB CO E. In sum and substance, CO D reported that the K-9 alerted to Visitor 3, which is inconsistent with the video evidence. CO E reported that Visitor 3 was escorted to the search area and surrendered two blue balloons which contained a green leafy substance. DOI investigators unsuccessfully attempted to contact Visitor 3.

G. West Facility

West Facility is located on Rikers Island and houses primarily inmates placed in the Communicable Disease Unit. DOI investigators found English and Spanish signage posted in the visitor area containing text descriptions and graphic illustrations of DOC pat frisk search procedure. DOI investigators also found English-only signs posted next to the search area reading "you are in this area because you have consented to a pat frisk NOT a strip search." There were approximately two cameras located in the visit waiting area. There was no designated pat frisk search area under video surveillance. Rather, DOC staff utilized movable blue partitions to conduct pat frisk searches. DOC staff reported that visitor searches are done in private, not in an open area, and not under surveillance. Search consent forms were available at the officer's station.

H. Otis Bantum Correctional Center (OBCC)

OBCC is a facility on Rikers Island that houses male inmates and contains the main punitive segregation unit on Rikers Island. DOI investigators found English-only signage posted in the visitor area containing text descriptions and graphic illustrations of DOC pat frisk search procedure. DOI investigators also found English-only signs posted next to the search area reading "you are in this area because you have consented to a pat frisk NOT a strip search." DOI investigators did not observe any search-related signage in Spanish. There were approximately nine cameras located in the visit waiting area and three additional cameras in a secondary visitor waiting area. Near a second magnetometer, DOC staff had set up a movable blue partition to

conduct pat frisk searches. The area has surveillance cameras. Search consent forms were available at the officer's station.

DOI investigators reviewed video footage captured on April 21, 2018, from the OBCC Visitor Center and Waiting Room (before DOC's 2018 Revised Directive went into effect). Visitors waited on line to pass through a magnetometer before entering the visitor search area. At approximately 3:30 p.m., a female visitor (Visitor 4), wearing a black tee shirt and floral leggings, went through the magnetometer; it did not appear to ring. A female CO conducted a visual search of Visitor 4 (had her shake out her shirt and bra, expose her waistband, and roll down her socks) and did not appear to identify any contraband. Once through the magnetometer, Visitor 4 and other visitors proceeded to a second visitor waiting area, where they were then subjected to a K-9 search. The K-9 did not appear to alert to either Visitor 4 or the male visitor who accompanied her (Visitor 5). Shortly after the K-9 search concluded, Visitor 4 was escorted to the search area, and Visitor 5 to the men's bathroom (which does not have camera coverage). A CO handed Visitor 4 a pat frisk consent form. Prior to the search being conducted, Visitor 4 removed what appeared to be a balloon from her waistband and handed it to CO E. CO E handcuffed Visitor 4 and escorted her out of the search area. The balloon contained marijuana and seven scalpel blades. Visitor 4 and Visitor 5 were arrested and charged with promoting prison contraband in the first degree, criminal possession of a weapon, promoting prison contraband in the second degree, criminal possession of a marijuana, and unlawful possession of marijuana. At the time, Visitor 4 was 15 years old and Visitor 5 was 18 years old. With respect to Visitor 4, DOC's intended search was improper due to her age: Even according to DOC 2017 Directives, the search area supervisor must obtain the signature of the adult accompanying the minor (in this case, Visitor 5, the 18- year old male) on the consent form, and failed to do so. Here, the intended search did not occur only because immediately prior to the search, Visitor 4 surrendered the secreted contraband and was arrested. Additionally, searching Visitor 5 in a restroom also did not comply with proper search procedures under DOC Directives because restrooms lack video surveillance.

DOI investigators reviewed the three reports submitted by CIB K-9 Handler CO F, CO E, and CO G (each submitted one report). CO F reported that the K-9 alerted to Visitor 4 and Visitor 5, which is not consistent with the video evidence. CO E reported that Visitor 4 was asked if she was in possession of anything, and Visitor 4 surrendered a white balloon that contained a green leafy substance, and a package wrapped in black electrical tape that contained scalpel blades. CO G reported that she asked Visitor 4 if she was possession of any contraband. Visitor 4 said yes, reached into her pants, and surrendered an unknown substance wrapped in a white balloon and unknown object wrapped in black tape. The criminal charges brought against Visitor 4 were dropped (DOI unsuccessfully attempted to contact Visitor 4). Visitor 5's criminal case for promoting prison contraband in the first degree (a class D felony) and related misdemeanors is being prosecuted by the Bronx District Attorney's Office and currently is pending.

I. North Infirmary Command (NIC)

North Infirmary Command is an inmate healthcare facility on Rikers Island. DOI investigators found English-only signage posted in the visitor search area containing text

descriptions and graphic illustrations of DOC pat frisk search procedure. There were approximately three cameras located in the visit waiting area and three additional cameras in a secondary visitor waiting area. There is a designated open area for conducting pat frisk searches, which is under video surveillance. DOC staff reported that they conduct pat frisk searches in the designated search area where was a movable partition. Search consent forms were available in the officer's station.

J. Robert N. Davoren Complex (RNDC)

RNDC is a facility on Rikers Island currently housing 18-year-old male inmates. DOI investigators found English and Spanish signage posted in the search area containing text descriptions and graphic illustrations of DOC pat frisk search procedure; the sign reading "you are in this area because you have consented to a pat frisk NOT a strip search" was in English only. There were approximately seven cameras located in the visit waiting area and five additional cameras in a secondary visitor waiting area. Pat frisk searches were conducted in a small walled area right past the magnetometer that is under video surveillance. Search consent forms were available in the officer's station.

K. Eric M. Taylor Center (EMTC)

EMTC is a facility on Rikers Island housing male inmates sentenced to terms of one year or less. DOI investigators found English and Spanish signage posted in the visitor area containing text descriptions and graphic illustrations of DOC pat frisk search procedure. DOI investigators also found English-only signs posted next to the search area reading "you are in this area because you have consented to a pat frisk NOT a strip search." There were approximately 11 cameras located in the visit waiting area and three additional cameras in a secondary visitor waiting area. Pat frisk searches were done in a private area adjacent to the waiting area; surveillance cameras are visible in the area. Search consent forms were available in the officer's station.

L. Brooklyn Detention Complex (BKDC)

BKDC is a facility in downtown Brooklyn, housing male inmates, typically either in the intake process or on trial in Brooklyn or Staten Island courts. DOI investigators found English and Spanish signage posted in the visitor area containing text descriptions and graphic illustrations of DOC pat frisk search procedure. There were approximately seven cameras located in the visitor waiting area and secondary visitor waiting area. There are two designated search rooms that are under recorded video surveillance. Search consent forms were available at the officer's station.

During the course of the investigation, DOI also reviewed visitor search footage from BKDC. DOI investigators randomly sampled pat frisk searches and visitor arrests that took place in BKDC from August 2018 to October 2018 (after DOC's 2018 Revised Directive went into effect). The review found that the assigned BKDC search officers appeared to be in compliance with DOC's 2018 Revised Directive. Further, COs were not seen utilizing the bathroom to conduct searches, but rather utilized the designated secondary search areas. DOI

also found that BKDC had signs posted in both of their designated search areas outlining pat frisk search procedures.

M. Vernon C. Bain Center (VCBC)

VCBC is a barge anchored just off the coast of the Bronx, housing male inmates who are typically in the intake process from Bronx arrests. DOI investigators found English and Spanish signage posted in the visitor area containing text descriptions and graphic illustrations of DOC pat frisk search procedure. DOI investigators also found English-only signs posted next to the search area reading “you are in this area because you have consented to a pat frisk NOT a strip search.” There were approximately nine cameras located in the visitor waiting area and secondary visitor waiting area. Near the secondary waiting area, DOC staff had set up a movable blue partition to conduct pat frisk searches. The pat frisk search area has surveillance cameras. Search consent forms were available at the officer’s station.

DOI investigators reviewed video footage captured on January 19, 2019, from VCBC Visitor Center and Waiting Room (after DOC’s 2018 Revised Directive went into effect). At approximately 10:30 a.m., a female visitor (Visitor 6) entered the visitor search room on her way to the visit floor. Visitor 6 cleared the initial visual search conducted by the VCBC search officer. While waiting in the “processed” waiting room, Visitor 6 and the other waiting visitors lined up for a K-9 search, conducted with a male CO handler. Visitor 6 and a male visitor were pulled off the line as a result of the search. CO E escorted Visitor 6 to the visitor bathroom. CO E gave Visitor 6 a form, which she signed. CO E then partially closed the bathroom door, leaving it slightly ajar. The male K-9 officer stood outside of the bathroom door, but did not appear to be watching the search take place. Approximately one minute later, CO E concluded the search and Visitor 6 returned to the waiting room. Visitor 6 then appeared to argue with CO E.

According to DOC paperwork, CO E subsequently terminated Visitor 6’s visit because of a K-9 alert. CO E reported that no contraband was recovered from the visitor.

In the course of this investigation, DOI interviewed Visitor 6. Visitor 6 reported to DOI that CO E touched her buttocks, vagina, and breasts while they were in the bathroom. Visitor 6 stated that she felt violated and sexually assaulted by CO E. Furthermore, Visitor 6 alleged that her visit was canceled because she tried to file a complaint regarding the search. VCBC does not have cameras in the visitor bathrooms, thus DOI was unable to validate Visitor 6’s allegations about the nature of the search or the reason why the visit was denied.

N. Manhattan Detention Center (MDC)

MDC is a facility in lower Manhattan housing male inmates, typically either in the intake process or facing trial in Manhattan. DOI investigators found English-only signage posted in the visitor registration area containing text descriptions and graphic illustrations of DOC pat frisk search procedure, and English and Spanish signage near the front visitor entrance of the facility. DOI investigators also found English-only signs posted next to the search area reading “you are in this area because you have consented to a pat frisk NOT a strip search.” There were two

cameras located in the visit registration area and four cameras in the visitor waiting area. There is a designated area for conducting pat frisk searches, which has two cameras.

Since July 2018, DOI has worked with DANY to investigate MDC visitor search procedures. In reviewing video footage that spanned several months (April 2018 to October 2018), DOI and/or DANY investigators discovered approximately 26 incidents in which MDC's visit staff and/or CIB COs conducted searches that violated a multitude of DOC's policies and procedures, as well as visitors' rights. The violations were willful, and included conducting pat frisk searches without a visitor's consent, forcibly removing visitors' clothing, pinning visitors against the wall and on the floor during a search, searching visitors in the bathroom, and conducting cavity searches. Investigators further discovered that DOC staff falsified paperwork regarding the visitor search incidents, in violation of the New York State Penal Law. Those crimes are being prosecuted by DANY. Examples of some of those incidents are set forth below.

i. April 15, 2018¹⁰

At approximately noon, video footage from the MDC Visitor Center and Waiting Room captured three female visitors entering the visitor search room, along with two female COs (CO H and CO Q). The COs conducted pat frisk searches of all three visitors; two were permitted to leave after the searches concluded, and CO Q left the visitor search room. The remaining female visitor (Visitor 7) was alone in the visitor search room with CO H and Capt. K. Shortly thereafter, when CO J and CO L entered and were putting on latex gloves, Captain K left the visitor search room. CO H stood behind Visitor 7 as she turned to face the wall. Visitor 7 placed her hands on the wall as CO H inspected the back of her pants. CO H pulled the back of Visitor 7's pants waistband away from her body, and then pulled Visitor 7's underwear waistband away from her body as well. Visitor 7 turned around to face CO H and pulled her pants down around her ankles. CO H motioned for Visitor 7 to pull her underwear down as well. CO H placed her hand on Visitor 7's inner thigh, pulling her legs apart as she looked into Visitor 7's vaginal area. Visitor 7 then turned around and placed her hands on the wall, with her pants and underwear still pulled down. CO H bent over and visually inspected Visitor 7's buttocks. Visitor 7 then pulled her pants and underwear back up, while speaking to CO H. CO H next reached under Visitor 7's shirt and manually checked her bra. CO J checked under Visitor 7's shirt without gloves. Visitor 7's breasts were slightly exposed during the search, but her shirt was never removed. COs H and J placed their hands into Visitor 7's bra through the top of her shirt, and recovered a small balloon containing marijuana. Capt. K returned after the search was completed. Visitor 7 was subsequently arrested and charged with promoting prison contraband in the second degree and unlawful possession of marijuana.

DOI investigators reviewed the Incident Report CO H submitted regarding her interaction with Visitor 7. In sum and substance, CO H reported she observed a lump inside Visitor 7's shirt on the upper left side. CO H stated that she instructed Visitor 7 to pull out the unknown item and Visitor 7 complied by handing her a green leafy substance wrapped in plastic wrap that tested positive for marijuana. CO J did not submit a report. Capt. K's report mirrored CO H's report (although she was not present for the search).

¹⁰ The incidents described in sections i-iv occurred before DOC's 2018 Revised Directive went into effect; the incidents detailed in paragraphs v-vi transpired after.

On September 28, 2018, DANY investigators spoke to Visitor 7. She stated she told a CO she wanted to leave because she read the signs that visitors could leave if they were subjected to search. Visitor 7 stated that a CO told her to lower her pants and underwear and then made her squat.

ii. April 26, 2018

At approximately 7:50 p.m., video footage from the MDC Visitor Center and Waiting Room recorded three female visitors (one was petite and wearing a dark shirt; she is designated here as Visitor 8) called into the pat frisk search area, where they were searched by COs H and CO M. The two COs manually searched the visitors' hair, mouth, ears, collars, socks, shoes, and waistband. CO H searched Visitor 8, and stopped after she checked Visitor 8's waistband. The other two female visitors were permitted to leave the search area, while Visitor 8 remained behind with COs H and M. CO H searched Visitor 8's waistband again. Visitor 8 began to struggle, in an apparent effort to get away from CO H; CO M then joined in the search and retrieved what appeared to be a small white bag from Visitor 8's waistband.

During the struggle between Visitor 8 and COs H and M, COs J and L, and Captain K came into the search room for a brief moment. Captain K went into the Visit Captain office, and remained there for the duration of the search. The search area is not visible from inside the Visit Captain's office. CO J attempted to check Visitor 8's waistband again, and Visitor 8 pushed the CO's hand away. COs H and L then grabbed and held Visitor 8's arms while CO J attempted to continue the manual search of Visitor 8's waistband. CO L was holding Visitor 8's left arm, put her hand on Visitor 8's neck, and pushed her back against the wall. Visitor 8 continued to resist. The four COs then pulled Visitor 8 down to the floor, CO J pulled Visitor 8's pants and underwear down to her knees, and removed what appeared to be another small white bag. Visitor 8 was lying on the floor with her pants and underwear down around her ankles for approximately one minute. The entire second search involving the four COs lasted approximately three minutes. CO J knocked on Capt. K's door, and the Captain came into the search area. After the COs recovered the second bag, Visitor 8 was handcuffed, placed under arrest, and escorted to a separate room. DANY charged her with promoting prison contraband in the first degree.¹¹

DOI investigators reviewed the Incident Report CO H submitted regarding the interaction with Visitor 8. In sum and substance, CO H reported that she observed a small white balloon fall out of Visitor 8's waistband as Visitor 8 put her hands to her waistband. CO H stated that she instructed Visitor 8 to continue to move her own hands around her waist band, at which time Visitor 8 attempted to conceal another unknown object. CO H claimed that she instructed Visitor 8 to give up the contraband; Visitor 8 refused by holding onto the object. CO H reported that she struggled with Visitor 8, and was able to pry Visitor 8's hands open and retrieve a white balloon and a clear pouch. COs J, L, and M did not submit reports related to this incident. Capt.

¹¹ At the time DANY charged Visitor 8, they were unaware of the existence of the video footage. Upon receiving and reviewing the video, DANY immediately dismissed all criminal charges pending against Visitor 8, and commenced a criminal investigation into the COs' actions.

K's report mirrored CO H's, although Capt. K was not present for most of the search. DOI could not locate a pat frisk search consent form signed by Visitor 8.

DOI and DANY interviewed Visitor 8, who refuted CO H's written reports, as well as the COs' factual recitation of events included in DANY's original criminal complaint against Visitor 8. Visitor 8 further stated that she refused to sign the pat frisk consent form and requested to leave the facility without her visit once it was clear she would be searched.

iii. May 9, 2018

At approximately 4:20 p.m., video footage from the MDC Visitor Center and Waiting Room captured a female visitor (Visitor 9) and an inmate in a visit area intended for high classification inmates¹² who are allowed to have contact visits. Visitor 9 and the inmate were within view of visit floor staff. Visitor 9 placed her hands in her pants multiple times during the course of the visit. Approximately 30 minutes later, CO J entered the area and escorted Visitor 9 away from the visit floor. COs J and L took Visitor 9 into a bathroom, where there is no video coverage. CO L came out of the bathroom to retrieve a pair of plastic gloves from another uniformed female CO standing outside of the bathroom door. Approximately 10 minutes later, COs J and L came out of the bathroom with Visitor 9. Visitor 9 was arrested shortly thereafter on misdemeanor charges of promoting prison contraband in the second degree and unlawful possession of marijuana.

DOI investigators reviewed the Incident Report submitted by CO J regarding her interaction with Visitor 9. In sum and substance, CO J reported that Visitor 9 was digging in the crotch area of her pants and was escorted to the bathroom to wash her hands, which were bloody. CO J stated that she asked Visitor 9 if she had drugs and Visitor 9 admitted she did. CO J reported that Visitor 9 pulled a green balloon out of her crotch area and handed it to CO J.

DOI and DANY investigators attempted to speak to Visitor 9 on multiple occasions, but Visitor 9 failed to show up to be interviewed.

iv. May 12, 2018

At approximately 11:30 a.m., video footage from the MDC Visitor Center and Waiting Room captured a female visitor (Visitor 10) entering the visitor search room. Visitor 10 was alone with CO H. CO H conducted a visual search of Visitor 10, then allowed her to proceed to the visit floor. As Visitor 10 approached the visit floor, two plain-clothes CIB officers (COs E and F) and CO F's K-9 approached her. They conducted a K-9 search of Visitor 10 out of camera view. Shortly thereafter, CO E escorted Visitor 10 to the staff bathroom. CO H stood outside of the bathroom and appeared to place her foot in front of the bathroom door. Approximately six minutes later, CO E came out the bathroom. Three minutes later, Visitor 10 came out of the bathroom, adjusting her pants. CO E escorted Visitor 10 from the bathroom to the visitor search room. COs H and L escorted Visitor 10 from the visitor search room to the

¹² High classification inmates are those who have a higher propensity for violence, or otherwise should be separated from general population inmates.

visitor waiting room, where Visitor 10 collected her belongings and was escorted from the building.

DOI reviewed the Incident Report submitted by CO E regarding her interaction with Visitor 10. In sum and substance, CO E reported that contraband was discovered on the visitor, however it was not sufficient quantity for testing. DOI could not locate a signed consent form for Visitor 10.

On October 23, 2018, DANY investigators interviewed Visitor 10. She stated that a CO took her into the bathroom and made her remove all her clothes, including her bra and underwear. The CO made her bend, squat, and told her to cough, then told her to spread her buttocks and cough again. Visitor 10 stated that the CO did not touch her.

v. August 29, 2018

At approximately 7:10 p.m., video footage from the MDC Visitor Center and Waiting Room captured a female visitor (Visitor 11) entering the visitor search room. Visitor 11 was wearing a form-fitting, V-necked, dark blue short sleeved tee shirt, jeans, and black sneakers. CO M handed Visitor 11 a form, which she signed. COs J and L stood by the entrance of the visitor search room as CO M searched Visitor 11. CO M started with Visitor 11's shoes and feet, then pointed towards Visitor 11's pants. Visitor 11 began to unbutton her pants and lowered them. CO M motioned for Visitor 11 to lower her pants further; Visitor 11 complied until her pants were at her knee level and her underwear completely exposed. CO M motioned for Visitor 11 to turn and face the wall, and pull her underwear away from her buttocks. Visitor 11 did. CO M hand-motioned to Visitor 11 to turn around, at which point Visitor 11 reached into her underwear and removed a white object. Visitor 11's pants were pulled down to her knees with her underwear exposed for approximately two minutes. After she was permitted to pull up her pants, Visitor 11 lifted her shirt up, exposing her bra. CO M searched Visitor 11's hair, mouth, and bra. Her bra was exposed for approximately one minute, and then Visitor 11 pulled her shirt back down. A CO then gave Visitor 11 a DOC-issued green cover-up.¹³ Visitor 11 appeared to argue with COs M, J and L. Visitor 11 went to her locker and gathered her belongings, removed the green shirt, threw it in a pile with other green shirts, and left the facility without completing her visit.

DOI reviewed the Incident Report submitted by CO M regarding her interaction with Visitor 11. In sum and substance, CO M stated that a K-9 alerted to Visitor 11, who was then called into the search area, where she consented to a pat frisk. Upon completion of the pat frisk, CO M informed Visitor 11 she would receive a non-contact visit; Visitor 11 became irate, yelled at staff and went to her locker to gather her belongings. CO M's Incident Report had no mention

¹³ In instances where DOC staff believe a visitor is improperly dressed (for example, too tight, short or see-through clothing; clothing contains objectionable graphics or writing; wearing brands known to be affiliated with gangs), a staff member will issue a fluorescent lime-green knee-length cotton cover-up to be worn over the visitor's clothing. See DOC Directive 2007 R-D Inmate Visit Procedures at Section III G 1-3.

of Visitor 11 being in possession of contraband. In Visitor 11's Search Consent Report, under the section "Result of Pat Frisk Search," CO M wrote "negative results."

On January 10, 2019, DANY investigators interviewed Visitor 11. Visitor 11 stated that the CO told her to remove her shoes and socks, and she started to feel uncomfortable. The CO instructed her to lower her pants. The CO asked her to pull her underwear out, and Visitor 11 tried to explain that she was wearing a sanitary napkin and a tampon. Visitor 11 left without a visit.

vi. September 13, 2018

At approximately 9:00 p.m., video footage from the MDC Visitor Center and Waiting Room captured a female visitor (Visitor 12) entering the visitor search room on her way to the visit floor. Before reaching the visit floor, two female CIB COs (CO N and CO E), two male officers (CO F and CIB Capt. O), and CO F's K-9 searched Visitor 12. COs N and E then took Visitor 12 into the visitor search room where CIB CO P was waiting and questioned the visitor. Visitor 12 turned to face the wall, and CO P began to pat frisk her. CO P pointed towards Visitor 12's crotch as Visitor 12 unbuttoned her pants. Visitor 12 put her hand inside of her pants and pulled out an object and gave it to CO P. CO P manually checked Visitor 12's crotch area again over the outside of her pants. CO P then grabbed Visitor 12's arm and began pointing towards Visitor 12's crotch. Visitor 12 put her hand in her pants again and pulled out another object, which she also surrendered. CO P next lifted Visitor 12's shirt to just below her bra, and Visitor 12 began to pull her waistband down. CO P again ran her hand along Visitor 12's crotch, over her pants. CO P stepped away as CO N pat frisked Visitor 12. During CO N's pat frisk, she grabbed Visitor 12's breast several times. CO N also repeatedly checked Visitor 12's crotch area over the outside of her pants. Visitor 12 pulled her pants and underwear down to show the officers the inside of her pants. Visitor 12 then pulled her underwear back up and CO N patted down Visitor 12's buttocks over her underwear. Visitor 12 was subsequently arrested for attempting to bring 16 grams of tobacco into MDC.

DOI investigators reviewed Incident Reports submitted by COs F and P regarding their interaction with Visitor 12. In sum and substance, CO F reported that his K-9 alerted him to a visitor, later identified as Visitor 12. CO P reported that Visitor 12 was escorted to a secondary search area where Visitor 12 surrendered a black plastic bag and one oblong object in a white balloon from the front of her pants.

IV. Conclusions and Recommendations

Although DOC has accepted and incorporated most of DOI's 2016 PPRs in DOC's 2018 Revised Directive, DOC has not adequately trained its staff as to its contents, nor has DOC employed measures---such as monitoring or spot-checking available video footage or providing additional supervisory staff---to ensure that staff is abiding by visitor search policies. For visitor pat frisk searches, DOC guidelines prohibit COs from ordering visitors to disrobe, proscribe COs from subjecting visitors to strip searches or body cavity searches, and require that COs of the same gender as the visitor conduct the search. However, DOC has continued its requirement that pat frisk searches be conducted in an area away from public view, notwithstanding DOI's recommendation that pat frisk searches be done in the open, to protect both visitors and staff.

Conducting searches in areas outside of the designated search areas, which are under video surveillance, leaves officers susceptible to allegations of misconduct and make it difficult to monitor staff compliance with visitor search policies. With respect to providing adequate signage in visitor areas, DOC has yet to fully comply with its own 2018 Revised Directive, and with DOI's PPRs that it claims to have adopted. DOC must standardize its signage to inform visitors of their rights and the manner in which pat frisk searches may be conducted, and must ensure that this explanatory signage, in English and Spanish, is posted in every facility visiting area. DOC also must post signs that strip searches are prohibited.

DOC must ensure that its staff is fully aware of its obligations regarding proper pat frisk searches of visitors, and that its staff is appropriately trained and faithfully executing those searches correctly. Although the 2018 Revised Directive represents progress towards these goals, DOC's implementation has fallen short of what is necessary to adequately reform the visitor search process. Prior to releasing this Report, DOI gave DOC the opportunity to review it and address DOI's findings and concerns. DOC's responses are italicized below.

The following 2016 policy and procedure recommendations remain unimplemented or incompletely implemented:

- Require all DOC visitation staff to undergo training for conducting Directive-based pat frisk searches.

The Department is in the process of revising both Directive 2007 and the associated training curriculum to provide additional clarity to staff regarding when a visitor pat frisk is authorized and how to conduct a proper pat frisk. The Department intends to provide yearly training to all staff steadily assigned to post in visit areas, as well as all CIB staff and visit route bus drivers. The Department also intends to provide training to any staff member in the future who is assigned to a visit area, CIB, or the visit route but in advance of the staff member assuming his or her post.

- Conduct pat frisk searches in an open area unless a visitor requests, for privacy, medical, or religious reasons, to be searched in separate private area, and if that occurs, it must be under video surveillance and the video must be monitored.

The Department shares the goal of ensuring that the visitor pat frisk process is transparent, preserves the dignity of the individual being searched, and is effective at preventing the introduction of dangerous contraband in to DOC facilities. As such, the Department agrees that going forward, pat frisks should occur in the open, rather than in private search areas, unless the visitor requests privacy or safety and security reasons necessitate conducting the search in a private area. The Department will therefore begin the process implementing this change as expeditiously as possible, understanding that existing policies and training will need to be modified and that operational concerns will need to be

addressed. In the future when a visitor requests privacy, or when safety and security reasons necessitate conducting the search in a private area, the Department will continue to utilize the existing visitor pat frisk search areas, which are currently under video surveillance. As discussed below, the Department will also ensure that the video surveillance cameras are monitored by DOC's Compliance and Safety Center (CASC).

- Conspicuously post signs containing English and Spanish text descriptions and graphic illustrations in all visitation facilities informing visitors of DOC pat frisk search procedures, and the right to refuse a pat frisk search.

The Department already posts signs in the visit areas which describe the pat frisk process and the visitor's right to refuse. However, the Department is also in the process of revising the existing pat frisk search poster to contain more explicit language regarding (1) what will happen during a pat frisk; (2) what conduct is prohibited during a pat frisk; and (3) the right of a visitor to refuse a pat frisk and consequences for refusal. The signs will include a graphic of a body as well the 311 phone number, where visitors can call to make complaints regarding any actual or perceived inappropriate conduct by DOC staff. The signs will be posted in both English and Spanish.

- Visitors must sign pat frisk search permission forms before any search takes place.

The Department is in the process of revising the "Visitor Pat Frisk Consent Report" form to include additional language regarding the right of the visitor to refuse a pat frisk and the consequences of refusal. The Department is also revising the back of the form, which contains a description of a pat frisk, to contain more explicit language regarding (1) what will happen during a pat frisk; and (2) what conduct is prohibited during a pat frisk. The form already contains a box for the signature for the visitor, and the Department's revised Inmate Visit Directive and associated training curriculum will stress that the forms must be filled out legibly and completely prior to conducting a visitor pat frisk.

In addition, DOI is issuing new policy and procedure recommendations, as follows:

- DOC's Inmate Visit Procedure Directive shall specifically and explicitly state that DOC staff must cease a visitor search when contraband is initially found on the visitor.

While the Department understands the issues that DOI is intending to address, the Department has operational and security concerns regarding this recommendation. For example, if a visitor has multiple types of contraband secreted on their person, and the first item the DOC staff member finds is non-criminal contraband, such as hairpins or chewing gum, the Department's

Directive and associated training curriculum will instruct staff members that they should give the visitor the opportunity to surrender the contraband and move forward with a contact visit. In this circumstance, if the staff member were to stop the pat frisk process after finding the first item of contraband, the Department risks allowing a more serious or criminal item of contraband, such as narcotics or a weapon, to make it onto the visit floor and be potentially introduced into our facilities. Dangerous contraband such as drugs and weapons present a serious security risk, and endanger the lives of staff, inmates and other visitors. Many visitors in the past have attempted to bring in contraband of varying types over the course of several visits, and requiring Department staff to the pat frisk process before it is complete risks a savvy visitor who is intent on smuggling in contraband learning the pat frisk process and being able to manipulate the system.

- No visitor searches may transpire in any bathroom.

Under existing Department policy and training, visitor pat frisks are supposed to take place only inside of designated visitor pat frisk areas, all of which have cameras. Bathrooms are not, and never have been, designated visitor pat frisk areas. The Department will revise both its Inmate Visit Directive and the associated training to explicitly state that pat frisk searches are never permitted to take place inside of bathrooms.

- DOC's signage in visitor areas must explicitly and specifically state that strip searches are impermissible. These signs must be in English and Spanish, with graphic illustrations.

As discussed above, the Department already posts signs in the visit areas which describe the pat frisk process and the visitor's right to refuse, and is in the process of revising the existing pat frisk search poster to contain more explicit language regarding (1) what will happen during a pat frisk; (2) what conduct is prohibited during a pat frisk; and (3) the right of a visitor to refuse a pat frisk and consequences for refusal. The sign will be posted in both English and Spanish. While the revised poster will not include the explicit phrase "strip searches are prohibited", the poster will contain language stating that the visitor will not be asked to remove or lift any clothing what would expose his or her breasts, genitals, or buttocks. The Department believes that its language will provide needed clarity for the visitor regarding the type of conduct which is prohibited.

- DOC's signage in visitor areas must inform visitors of their right to refuse a pat frisk search, and the permissible consequences of such refusal (e.g., non-contact visit or no visit at all). These signs must be in English and Spanish.

As discussed above, the Department already posts signs in the visit areas which describe the pat frisk process and the visitor's right to refuse, and is in the

process of revising the existing pat frisk search poster to contain more explicit language regarding (1) what will happen during a pat frisk; (2) what conduct is prohibited during a pat frisk; and (3) the right of a visitor to refuse a pat frisk and consequences for refusal. The sign will be posted in both English and Spanish.

- Create a demonstration video as a tool to teach staff how to conduct a pat frisk search that complies with the policy.

The Department's current training curriculum, which is in the process of being revised, already contains a practical portion wherein instructors demonstrate a proper pat frisk and staff are given the opportunity to practice. A live demonstration and hands-on practice are optimal training tools as staff learn best from doing rather than watching. Nevertheless, the Department is in the process of exploring online learning tools which would allow staff to have on-demand, online training on various topics, outside of their regular in-person refresher trainings. The Department will therefore explore whether an online video of a proper visitor pat frisk can be created and utilized for on-demand learning, for small-group refreshers such as at roll call.

- Create check boxes within Visitor Express¹⁴ to track when a pat frisk search occurs.

The Department shares the goal of tracking all visitors' pat frisks, and agrees that an electronic tracking mechanism is preferable to the current paper-based system. As such, the Department's Information Technology Division will explore whether a check box can be added to Visitor Express, and the length of time that such a change will take. In the interim, as discussed below, the Department is already in the process of developing a network shared drive location where all visitor pat frisk consent forms will be uploaded.

- Require that all appropriate sections of the search consent form are filled out properly and legibly.

Under existing Department policy and training, a Pat Frisk Consent Report must be filled out prior to conducting a pat frisk, and the Department's revised Inmate Visit Directive and associated training curriculum will stress that the forms must be filled out legibly and completely prior to conducting a visitor pat frisk.

¹⁴ Visitor Express is a DOC-created and maintained database that tracks all inmate visits, and contains current and historical information, including visitor's photo and fingerprints; date, time and location of each visit; name of inmate visitor is seeing; relationship of visitor to inmate; and whether there were any visitor restrictions (such as failed search, or visitor refused visit).

- Create DOC Directive policy regarding the proper handling of visitor arrests, and disseminate that policy to staff.

All visitor arrests are handled by CIB. The Department is currently in the process of revising the Command Level Order for CIB governing all arrests, and will therefore consider whether any revisions are necessary to the sections governing the arrests of visitors. The Department is also in the process of revising the Department-wide Operations Order governing all arrests, to make it clear that CIB handles the process and that the facility is responsible for contacting CIB and preserving a crime scene and/or chain of custody of evidence, if applicable.

- In each visitor area, have a tablet with the search consent forms that uploads the forms directly to Visitor Express.

The Department shares the goal of transitioning from paper-based forms to fillable online/electronic forms, but such a change is currently not feasible on a widespread level due to technological infrastructure barriers, security concerns, and monetary funding issues which prevent the universal use of alternatives, such as tablets. Further, the pat frisk consent form requires signatures of both DOC staff and visitors. However, the Department is already in the process of developing a network shared drive location where all visitor pat frisk consent forms will be uploaded. The requirement to upload the forms will also be explicitly stated in the revised Inmate Visit Directive.

- Assign an on-call DOC attorney to assist visit area staff with legal questions (e.g. permissible scope of search, probable cause for arrest), similar to that of the NYPD Legal Bureau.

The Department's Legal Division already has an "attorney of the day" process, as well as a rotating cell phone which is used for off-hours and weekends for legal advice. In fact, the Legal Division already receives phone calls regarding visit questions, albeit on an infrequent basis. The Department will ensure that all DOC staff are aware of their ability to contact a Legal Division attorney for advice going forward.

- Assign an existing oversight office within DOC, such as the Investigation Division or the Office of Quality Assurance & Integrity, to monitor visitor searches and associated records regarding pat frisk searches to ensure accountability.

The Department installed video surveillance cameras inside of visitor pat frisk areas specifically for the purpose of ensuring that both staff and visitors are held accountable, and that there is an independent record of what occurs during a pat frisk. The Department currently restricts access to the camera out of a concern for privacy of the visitor, and makes the video footage available to appropriate

entities both within and outside of the Department when a complaint of allegation of misconduct is made. Going forward, the Department will also provide DOC's CASC with access to monitor the cameras in real-time. The CASC is responsible for conducting random, live video monitoring across the Department's facilities and identifying any quality assurance or security concerns. When an issue is identified, such as a sanitation problem or an error in searching an inmate, a CASC staff member places a telephone call to the housing area in question and speaks with the staff member in real-time to provide guidance and instruction. Once provided with access to the visitor pat frisk area cameras, CASC will perform the same quality assurance function, not only identifying potential issues, but offering real-time guidance to visit area staff on how to properly perform a visitor pat frisk.

- Provide mandatory training relating to visitor search procedures as soon as staff are assigned to a visitor area post. Additionally, staff should continue to undergo refresher visitor search procedure training on an annual basis.

As discussed above, the Department is in the process of revising both Directive 2007 and the associated training curriculum to provide additional clarity to staff regarding when a visitor pat frisk is authorized and how to conduct a proper pat frisk. The Department intends to provide yearly training to all staff steadily assigned to post in visit areas, as well as all CIB staff and visit route bus drivers. The Department also intends to provide training to any staff member in the future who is assigned to a visit area, CIB, or the visit route but in advance of the staff member assuming his or her post.

APPENDIX



THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION



DIRECTIVE

<input type="checkbox"/> NEW <input type="checkbox"/> INTERIM <input checked="" type="checkbox"/> REVISED			SUBJECT			
EFFECTIVE DATE 7/14/17		*TERMINATION DATE / /	INMATE VISIT PROCEDURES			
CLASSIFICATION # 2007R-C	SUPERSEDES 2007R-B	DATED 9/29/08				APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER  HAZEL JENNINGS, ACTING CHIEF OF DEPARTMENT SIGNATURE			AUTHORIZED BY ACTING COMMISSIONER  CYNTHIA BRANN SIGNATURE			

I. PURPOSE

The purpose of this Directive is to outline New York City Department of Correction (Department) policy, guidelines, and procedures for inmate visits.

II. POLICY

- A. All approved inmate visitors shall be allowed access to the Department's facilities in an efficient and courteous manner during established visiting hours.
- B. Visits shall be provided in areas that allow for easy and informal communication and shall be free from as much custodial constraint as possible.
- C. Visits shall not be listened to or monitored unless a lawful warrant is obtained. However, visual supervision of visits shall be maintained at all times to ensure that the safety and security of each facility is maintained.
- D. Visiting rights may be limited or denied when it is determined that the exercise of those rights constitutes a serious threat to the safety and security of the facility concerned.
- E. The Department shall provide information to visitors (by telephone or internet) about the visit program. This information shall include the facility where an inmate is incarcerated, the visit schedule, and directions to the facility and/or Rikers Island.
- F. Within the visit schedule, inmates may have additional visits and have the length of a visit extended provided that space and time in the visiting facility permits.
- G. Staff shall make every effort to conduct a minimum of administrative processing in registering and searching visitors and shall not conduct duplicative processing. Visitors shall be permitted to go promptly to their visits. Whenever visits are

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	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 2 OF 37 PAGES	

II. POLICY (Cont.)

scheduled to begin at a specific time, visitors shall not be required to arrive and register more than one-half hour prior to that time.

- H. Individual visits shall begin as soon as the visitor and the inmate are present at the visit room and seating is available. Visiting shall be conducted on a flexible, "rolling" schedule to permit continuous turnover of visitors during visiting hours and to maximize the seating capacity of the visit room. There shall be no fixed time for the beginning or end of visit sessions (e.g., every hour on the hour). The Department shall make every effort to minimize waiting time prior to a visit.
- I. Upon the proper registration of a visitor, the inmate being visited shall be promptly located and permitted to go to the visiting area. Prior to entering the visiting room, the inmate shall be informed of the identity of the prospective visitor and consent to the visit.
- J. During visit hours, all facilities shall assign a Captain to supervise the visit process. The Special Operations Division (SOD) shall have an assigned Visit Captain for the Rikers Island Visit Control Building.

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS, AND DENIALS

A. APPROVED VISITORS

1. **Any properly identified person, sixteen (16) years of age or older, shall be permitted to visit an inmate with the inmate's consent. Individuals under the age of sixteen (16) may visit provided they are accompanied by a properly identified adult at least eighteen (18) years of age who must remain with them for the duration of the visit. A person sixteen (16) or seventeen (17) years of age may visit but cannot act as an adult to accompany visitors under the age of sixteen (16) unless he or she is the parent of the child and the inmate being visited is also the parent of the same child.**

Note: For visitor identification requirements see Section IV.I.2 of this Directive.

2. Prior to entering the visiting room, the inmate shall be informed of the identity of the prospective visitor and consent to the visit. A refusal by an inmate to meet with a particular visitor shall not affect the inmate's right to meet with any

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS, AND DENIALS (Cont.)

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	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 3 OF 37 PAGES	

other visitor during that period nor the inmate's right to meet with the refused visitor on a subsequent visit.

B. NUMBER OF VISITORS

1. Inmates are permitted to visit with at least three (3) visitors at the same time with the maximum number to be determined by conditions set forth in each facility (e.g., availability of space, volume of visitors/inmates, etc.).
2. Visitors shall be permitted to visit with at most two (2) inmates at the same time provided they are housed in the same facility.
3. If there is a lack of space, a facility may limit the total number of persons for any group of visitors and inmates to four (4). Such a limitation shall be waived in cases involving special necessity (such as emergency situations, situations involving lengthy travel time, or other circumstances as determined by the respective Commanding Officer).

C. VISITING SCHEDULES (DETAINEES AND SENTENCED INMATES)

1. Each detainee is entitled to receive a visit within twenty-four (24) hours after his or her initial admission to any detention facility. If an established visiting period is not scheduled within that time, arrangements shall be made to ensure that this initial visit is made available.
2. Visiting hours and days shall be the same at all facilities. The visit schedule shall be as follows:
 - a. Weekdays and evenings: On Wednesdays and Thursdays, weekday registration hours will be open from 1300 hours until 2000 hours. Daytime visit hours will be from 1400 hours until the last visitor registered has visited or until 1700 hours, whichever is later. Evening visit hours will be from 1800 hours until the last visitor registered has visited or until 2100 hours, whichever is later.
 - i. On Wednesdays and Thursdays, the Rikers Island Visit Control Building will be open to process arriving and departing visitors from 1230 hours until the last visitor departs or 2200 hours, whichever is later.

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS, AND DENIALS (Cont.)

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 4 OF 37 PAGES	

b. Weekends: On Fridays, Saturdays, and Sundays, weekend registration hours will be from 0700 hours until 1400 hours. Weekend visit hours will be from 0700 hours until the last visitor registered has visited or until 1600 hours, whichever is later.

i. On Fridays, Saturdays, and Sundays, the Rikers Island Visit Control Building will be opened to process arriving and departing visitors from 0700 hours until the last visitor departs or 1700 hours, whichever is later.

D. INMATES SCHEDULED TO VISIT

1. Inmates whose last name begin with letters "A" through "L" visit on the first and third (and, when it occurs, fifth) Wednesday and Saturday of the month and on the second and fourth Sunday and Thursday of the month.
2. Inmates whose last name begin with letters "M" through "Z" will visit on the first and third (and, when it occurs, fifth) Sunday and Thursday of the month and on the second and fourth Wednesday and Saturday of the month.
3. All inmates may receive visits on Fridays.
4. Visits shall last at least one (1) hour. This time period shall not begin until the inmate and visitor meet in the Visit Room. If space and time permits, visits may be extended by up to one (1) hour.

E. FREQUENCY OF VISITS

1. Detainees may receive visits at least three (3) times per week, with at least one (1) during an evening or weekend, according to the schedule.
2. Sentenced inmates may receive visits at least two (2) times per week, with at least one (1) during an evening or weekend, according to the schedule.
3. Under ordinary circumstances, visits for detainee and sentenced inmates are limited to one (1) per day. Such limitation may be waived in cases involving special necessity (such as emergency situations, situations involving lengthy travel time, or other circumstances as determined by the respective facility's Commanding Officer).

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS, AND DENIALS (Cont.)

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 5 OF 37 PAGES	

4. Official visits of properly identified persons providing services or assistance, including attorneys, doctors, religious advisors, public officials, therapists, counselors, and media representatives shall not count against this number.
 5. There shall be no limit to the frequency of visits by a particular visitor.
- F. RULES AND PROCEDURES RELATIVE TO LIMITING OR DENYING VISITS
1. Limitation or Denial of Current Visit

- a. As it pertains to visitors: any visitor, at any stage of the visit process, who appears to be under the influence of alcohol or drugs, refuses to comply with Department rules, is found to be in possession of contraband, or who fails to clear a security device, may be denied a visit. Such incidents shall be brought to the attention of the area supervisor. If the supervisor determines that a denial of visit is warranted, they shall direct the officer to complete Form 143R, "Notice to Inmate/ Visitor of Cancellation/ Limitation/ Denial of Visiting Privileges" (Attachment A). This form shall contain the following information:

- i. Date of visit;
- ii. Inmate's complete name;
- iii. Inmate's book & case and NYSID numbers;
- iv. Inmate's facility and housing area;
- v. Visitor's complete name;
- vi. Visitor's relationship to inmate;
- vii. Reason for denial/limitation.

The visitation rights of an inmate with a particular visitor may be limited or denied only when it has been determined that the exercise of those rights constitutes a threat to the safety or security of visitors or the institution. This may happen only if denying the right to contact visits alone would not reduce this threat. This determination must be based on specific acts committed by the visitor during a prior visit that demonstrates his/her threat to the safety or security of a particular facility, or on specific information received and verified that the visitor plans to engage in acts during the next visit that will be a threat to the safety or security of the facility.

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS, AND DENIALS (Cont.)

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 6 OF 37 PAGES	

- b.** **As it pertains to inmates: any inmate, at any stage of the visit process, who appears to be under the influence of alcohol or drugs, refuses to comply with Department rules, is found to be in possession of contraband, or fails to clear a security device, may be denied a visit.**

An inmate's right to contact visits may be denied, revoked, or limited only when it is determined that such visits constitute a serious threat to the safety or security of a facility. Should a determination be made to deny, revoke or limit an inmate's right to contact visits in the usual manner, alternative arrangements for affording the inmate the requisite number of visits shall be made, including, but not limited to, non-contact visits. This determination must be based on specific acts committed by the inmate while in custody under the present charge or sentence that demonstrate his or her threat to the safety and security of a facility, or on specific information received and verified that the inmate plans to engage in acts during the next visit that will be a threat to the safety or security of the facility. Prior to any determination, the inmate shall be provided with written notification of the specific charges, the names of the charging parties, and their statements. This determination shall be made via Form 143R.

- c. This determination to restrict inmate and visitor restrictions shall be made by the Deputy Warden for Programs who shall also provide written notification and specific charges, including the names and the statements of the charging parties, to both the intended visitor and the inmate.

The supervisor authorizing the denial shall then review the information to ensure its completeness and accuracy and then sign the denial. Copies of the form shall be made and given to the Commanding Officer of SOD, Deputy Warden for Programs (inmate's facility), the inmate, and the visitor. The original shall be filed in the inmate's folder, a signed copy should be kept by the Deputy Warden of Programs, OSIU, and the Visit Compliance Unit and added to a share drive.

- d. The Commanding Officer or designee shall ensure that the Form 143R is faxed to the Board of Correction **(212)-669-7980** within twenty-four (24) hours, weekends and holidays included.

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS, AND DENIALS (Cont.)

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 7 OF 37 PAGES	

2. **Periodic Review for Non-Contact Visit Restriction Imposed on an Inmate for a Period Greater than Six (6) Months.**

- a. **Whenever an inmate is subject to non-contact visit restrictions for a period greater than six (6) months, a periodic review shall be conducted.**
- b. **The periodic review of such restrictions shall be conducted by the Deputy Warden of Security not less than once every six (6) months to determine whether the restrictions remain appropriate under all known circumstances.**
- c. **The procedures for such review by the Deputy Warden of Security shall be as follows:**
 - i. **OSIU shall maintain an on-going list of inmates who have been placed into non-contact visit status for any reason. This listing shall include the date the limitation was imposed and the basis for such disposition. This report shall be provided to the Bureau Chief of Security on the first business day of each week.**
 - ii. **For each inmate that has been denied contact visits for six (6) months or more, every six (6) months from the date the restriction started, the Deputy Warden of Security at the appropriate facility shall submit a report within five (5) business days summarizing any known information regarding the inmate's behavior during their current incarceration (including the behavior during the non-contact visit period) which would indicate that restoring contact visits would result in a continued threat to the safety and security of the facility. Such report shall include, at a minimum:**
 - A. **Whether the inmate has been found guilty of any infractions during the previous six (6) months;**
 - B. **Whether the inmate has been involved in any inmate fights or other acts of violence during the previous six (6) months and during their current incarceration; or**

III. **INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS, AND DENIALS (Cont.)**

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 8 OF 37 PAGES	

C. Whether the inmate has otherwise been implicated as a participant in any promotion of dangerous contraband which would threaten the safety and security of a facility.

- iii. The report should also include a copy of the Form 143R which was generated at the time the limitation was imposed.
- iv. Based upon the report and information, the Deputy Warden of Security shall determine whether the inmate's restriction to non-contact visits should be continued. As a general matter, limitations to non-contact visits should not be continued beyond six (6) months unless the inmate has engaged in further infractions or violent activity during the previous six (6) months period or unless there is evidence of prior activity which would support continued limitation.
- v. The results of the review and determination by the Bureau Chief of Security shall be provided to the Commanding Officer of the applicable facility and maintained in the inmate's file, the Deputy Warden of Programs Office, OSIU, and the Visit Compliance Office.

3. Inmate and Visitor Appeal Process

- a. The visitor or inmate who is affected shall have the opportunity to be heard on the charges face-to-face with the Deputy Warden for Programs or the Warden of SOD, if applicable. At the visitor's or inmate's request, this determination shall be reviewed by the Deputy Warden for Programs every thirty (30) days. The name of an informant who provided information for the determination may be withheld if necessary to protect his/her safety.
- b. Visitors and inmates whose visiting privileges have been limited or denied may appeal to the New York City Board of Correction (BOC). Any person doing so shall give notice in writing to the BOC and to the Commanding Officer. The facility and any person affected by the determination may submit to the BOC, for its consideration, any evidence or relevant material concerning the determination. The BOC, or its designee, shall issue a written decision upon the appeal within five (5) business days after it has received notice of the requested review. The BOC or designee may issue a single extension of up to ten (10) days if

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS, AND DENIALS (Cont.)

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 9 OF 37 PAGES	

extenuating circumstances prevent the rendering of a decision within the five (5) day timeframe. In such instances, the BOC shall immediately notify the Department and any persons affected by the extension. The decision letters must be forwarded to the Chief of Department or a designee. Non-contact visits will not be restored until the Chief of Department or a designee makes a final determination. If the BOC grants an appeal and the Chief of Department or their designee disagrees with BOC's recommendation or decides to modify the restriction, The Central Visit Supervisor shall ensure that the visitor and/or inmate be provided with notice via Form 143. Such notice must be mailed to the visitor unless the visitor provides an email address on Form 143, in which case it must be emailed.

Note: Notification emails shall be sent from email address: DOCVisitDetermination@DOC.NYC.gov. This address is capable of outgoing email only.

- c. Once a decision is made by the Chief of Department's Office or a designee to lift a non-contact visit restriction or modify a restriction visitor express must be updated.
- d. All visit rules, regulations (including procedures relative to limiting, denying, or terminating visits; rights throughout the process; rights to a prior hearing; rights to an adverse determination appeal; and periodic review), and hours shall be clearly posted in English and Spanish in the waiting and visiting areas of each institution.
4. The following guidelines are to be used when it has been determined that a visitor and/or inmate shall have their visiting rights restricted. When a visitor commits more than one offense, as described below, the cancellation, limitation, or denial of visiting privileges should be based upon the most serious offense and penalty available. When the visitor has committed multiple offenses, the total amount of penalty days shall not exceed the amount authorized for the most serious offense.

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III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS AND DENIALS (Cont.)

VISIT LIMITATION OR DENIAL GRID

Offense	1 st Offense	2 nd Offense	3 rd Offense
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	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 10 OF 37 PAGES	

		<u>Visitor</u>	<u>Inmate</u>	<u>Visitor</u>	<u>Inmate</u>	<u>Visitor</u>	<u>Inmate</u>
1	<u>Promoting Prison Contraband – (Weapons) Specifically scalpels, razor blades, hobby blades, or similar type of instrument.</u>	<u>Visitor loss of visit privileges with any inmate indefinitely</u>	<u>Inmate loss of contact visit for remainder of incarceration</u>	<u>Visitor loss of visit privileges with any inmate indefinitely</u>	<u>Inmate loss of contact visit for remainder of incarceration</u>	<u>Visitor loss of visit privileges with any inmate indefinitely</u>	<u>Inmate loss of contact visit for remainder of incarceration</u>
2	<u>Promoting Prison Contraband – (Narcotics or controlled substance) When a visitor is found to be in possession and/or is promoting narcotics or controlled substances, that visitor's right to visit any inmate in any facility shall be denied**</u>	<u>180 days*</u> Visit cancellation with any inmate for the offending visitor	180 days Non-contact visits with any visitor	<u>180 days*</u> Visit cancellation with any inmate for the offending visitor	180 days Non-contact visits with any visitor	<u>Offending visitor's loss of visit privileges with any inmate indefinitely</u>	180 days Non-contact visits with any visitor
3	Possession of Contraband – (Electronic Devices & Prohibited Items) When a visitor is found to be in possession of this type of contraband, specifically, cell phones, cameras, pagers, tobacco related products, matches/lighters, etc. that visitor's right to visit any inmate in any facility shall be denied**	180 days Visit cancellation with any inmate for the offending visitor	180 days Non-contact visits with any visitor	1 year* Visit cancellation with any inmate for the offending visitor	180 days Non-contact visits with any visitor	<u>Offending visitor's loss of visit privileges with any inmate indefinitely</u>	180 days Non-contact visits with any visitor
4	When a visitor assaults staff, an inmate, or another visitor, that visitor's right to visit any inmate in any facility shall be denied	180 days Visit cancellation with any inmate for the offending visitor	<u>N/A</u>	1 year* Visit cancellation with any inmate for the offending visitor	<u>N/A</u>	<u>Offending visitor's loss of visit privileges with any inmate indefinitely</u>	<u>N/A</u>
5	When a visitor threatens or verbally abuses staff or another visitor or causes a disturbance	45 days Visit cancellation	<u>N/A</u>	90 days Visit cancellation	<u>N/A</u>	1 year* Visit cancellation	<u>N/A</u>

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 11 OF 37 PAGES	

	that puts staff in imminent danger, that visitor's right to visit any inmate in any facility shall be limited/denied	n with any inmate for the offending visitor		n with any inmate for the offending visitor		n with any inmate for the offending visitor	
6	Any visitor who presents false ID or attempts to impersonate another person or otherwise fails to follow the instructions of staff (i.e. refusal to submit to security procedures, such as) and thereby causes disruption of the visit process, shall have his/her right to visit any inmate in any facility limited/denied	45 days Visit cancellation with any inmate for the offending visitor	N/A	90 days Visit cancellation with any inmate for the offending visitor	N/A	1 year* Visit cancellation with any inmate for the offending visitor	N/A
7	Any visitor who is found to have stolen property, or who commits an act of vandalism while on Department of Correction property, shall have his/her right to visit any inmate in any facility limited/denied	90 days Visit cancellation with any inmate for the offending visitor	N/A	180 days Visit cancellation with any inmate for the offending visitor	N/A	1 year* Visit cancellation with any inmate for the offending visitor	N/A
8	Any visitor or inmate who is found to be in possession of any items(s) that is considered contraband, (i.e. food, beverages, gum, metro card); shall have his/her right to a visit in any facility limited to a booth visit	30 days Loss of contact visits	30 days Non-contact visits with any visitor	60 days Loss of contact visits	60 days Non-contact visits with any visitor	1 year* Visit cancellation with any inmate for the offending visitor	180 days Non-contact visits with any visitor

* Upon the inmate's or visitor's written request, all determinations shall be reviewed by the Deputy Warden for Programs every thirty (30) days.

**** When a visitor is found to be in possession and/or is promoting narcotics or controlled substances, that visitor's right to visit any inmate in any facility shall be denied. An inmate will receive 180 days of non-contact visits if contraband is passed or attempted to be passed by the visitor to the inmate, or a visitor who is registered to visit an inmate is arrested for promoting prison contraband prior to the commencement of the visit.**

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS, AND DENIALS (Cont.)

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 12 OF 37 PAGES	

F. VISITORS - ITEMS NOT PERMITTED IN ANY FACILITY, INCLUDING THE RIKERS ISLAND VISIT CONTROL BUILDING

1. **To ensure the safety and well-being of staff, the inmate population, and visitors, illegal items and department-designated contraband are expressly prohibited. None of the following items may be brought into the Rikers Island Visit Control Building, jails on Rikers Island or Borough facilities, or any other facility including the Hospital Prison Wards:**
 - a. **Guns (including stun guns and zip guns), bullets, and imitation guns and bullets;**
 - b. **Illegal drugs;**
 - c. **Syringes;**
 - d. **Knives, imitation knives, box cutters, needles, razors, hobby blades, scalpels, scissors, any other sharp objects, brass knuckles, and any other weapons;**
 - e. **Tools;**
 - f. **Metal or glass objects;**
 - g. **Padlocks;**
 - h. **Nail clippers and fingernail files;**
 - i. **Tobacco products and related paraphernalia including cigarettes, cigars, rolling paper, chewing tobacco, e-cigarette kits or devices, and pipes;**
 - j. **Tape and other adhesives of any kind;**
 - k. **Explosive devices;**
 - l. **Matches and lighters;**
 - m. **Electronic devices including cellular telephones, cellular telephone accessories, personal digital assistants, portable media players (including but not limited to iPods, MP3 Players, iPads, and E-Readers), pagers, laptops, cameras, recording devices, and radios;**
 - n. **Law enforcement badges, equipment, or replicas of said items;**
 - o. **Liquids and beverages, except two clear baby bottles;**
 - p. **Gels;**
 - q. **Metal hairclips and hairpins;**
 - r. **Non-prescription medications;**
 - s. **Non-prescription sunglasses;**

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS, AND DENIALS (Cont.)

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 13 OF 37 PAGES	

- t. No more than a total of three (3) books, newspapers, and/or magazines (except when included in an inmate package);
 - u. Digital media (including, but not limited to, Compact Disc or DVD's);
 - v. Photographs (except when included in an inmate package, although polaroid photographs and photographs that include pictures of the inmate are not permitted in an inmate package); and
 - w. Chewing gum.
2. Visitors may bring prescription medication in its original container to the facility, which, except for life saving prescription medication (see Section III.H.3 below), must be stored in a facility locker and may not be brought to the facility visit floor.

G. DRESS CODE

1. The Department encourages inmate family members and friends, including children and the elderly, to visit inmates. To provide for the safety and security of staff, inmates, and visitors and to maintain a family friendly environment, visitors must wear appropriate clothing to visit inmates. Overly suggestive clothing and clothing in which contraband and non-permissible items can be secreted are not permitted. When meeting with the inmate, visitors may only wear a single layer of clothing (except those visitors required to wear a cover-up garment (see Section III.G.3 below)) and no accessories. Visitors shall not be permitted onto the facility visit floor wearing any of the following:
 - a. Clothing with holes or rips that are located more than three (3) inches above the knee;
 - b. Hooded garments;
 - c. Hats and head coverings (excluding religious head coverings);
 - d. Clothing identifying a specific gang by name or logo;
 - e. Clothing that makes explicit reference to obscene language, drugs, sex, or violence.
 - f. Swimming attire;
 - g. See-through garments;
 - h. Uniforms;
 - i. Jewelry (excluding a wedding ring, a religious bead necklace, or one (1) religious medal no more than two (2) inches in diameter hung on a chain of a quarter inch or less in diameter and no longer than twenty-four (24) inches)

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS, AND DENIALS (Cont.)

- j. Tops, including dresses, exposing the chest, stomach, or back;

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 14 OF 37 PAGES	

- k. Shorts, skirts, or dresses with a hem that is more than three (3) inches above the knee; and
- l. Outer garments including coats, shawls, ponchos, jackets, vests, gloves, or over boots or overshoes (outer boots or shoes that slip over other shoes).

2. Visitors must wear undergarments;

3. Visitors whose attire violates the dress code will be permitted a contact visit if they agree to wear a cover-up garment provided by the Department. Department staff of the rank of Captain or above shall be responsible for determining whether a visitor is in violation of the dress code. Visitors who refuse to wear a cover-up garment provided by the Department shall be denied a visit. The procedures set forth in Section III.F of this policy shall apply to any such denial. The Visit Captain shall ensure:

- a. There are a sufficient number of clean cover-up garments available for visitors at all times.
- b. That the facility's stock of cover-up garments are stored within the facility's visit area.
- c. Arrangements are made with the facility's Clothes Box Officer or other designated officer to ensure that all cover-up garments are laundered and returned back to the Visit Area after each usage.
- d. An effort is made to obtain additional cover-up garments from the central storehouse if a shortage of cover-up garments is anticipated.

H. VISITORS - ADDITIONAL ITEMS NOT PERMITTED ON FACILITY VISIT FLOOR

- 1. To ensure safety and security and to expedite access to the facility visit floor, unless specified above, visitors are not permitted to possess or wear any personal belongings other than a single layer of clothing when meeting with inmates. Secure storage lockers shall be provided at the facility. However, at Rikers Island Visit Control building, coin operated lockers are available for visitors to secure items not allowed in the

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS, AND DENIALS (Cont.)

facility. Visitors may not access the facility visit floor possessing any of the following:

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 15 OF 37 PAGES	

- a. Pocketbooks, purses, backpacks, knapsacks, waist pouches, diaper bags, or wallets;
 - b. Money or Metrocards;
 - c. Identification;
 - d. Keys, except a facility locker key;
 - e. Reading materials;
 - f. Toys;
 - g. Strollers;
 - h. Diapers (excluding the diaper worn by a baby);
 - i. Food and Candy; or
 - j. Beverages (excluding one clear plastic bottle for the baby).
2. Visitors are permitted to bring to the facility visit floor one baby blanket, one clear plastic baby bottle containing a non-alcoholic beverage, and one baby bib for the baby.
 3. Visitors are permitted to bring to the facility visit floor only life-saving prescription medication such as an asthma pump or nitroglycerin. Visit floor staff shall secure all such life-saving prescription medication for the duration of the visit, give back the medication to the visitor as requested by the visitor for medical reasons, and return the remainder of the medication to the visitor at the conclusion of the visit. Other prescription medication may be brought to the facility but must be stored in the facility locker and may not be brought to the facility visit floor.
 4. Visitors are permitted to bring mobility aids such as walkers, wheelchairs, canes, and crutches to the facility visit floor. Other than wheelchairs, visit floor staff shall secure mobility aids, for the duration of the visit and return the aid to the visitor at the conclusion of the visit. Consistent with Operations Order 24/07, "Transporting Visitors with Disabilities," visitors in wheelchairs shall be permitted to use the wheelchair for the duration of the visit.

IV. THE VISIT PROCESS

A. INMATE VISITOR FACILITY ACCESS

1. Prospective visitors to all Rikers Island facilities shall first report to the Rikers Island Visit Control Building. Visitors arriving in private vehicles are required to park at the Queens Abutment and then use public transportation to the Visit

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 16 OF 37 PAGES	

Control Building. Prospective visitors to all borough facilities shall first report to the visit entrance.

2. Prior to the preliminary search, visitors to Rikers Island or borough facilities shall be afforded the opportunity to dispose of any contraband into a secured Amnesty Box pursuant to Directive 4525, "Amnesty Boxes."

B. SEARCH OF VISITORS - RIKERS ISLAND VISIT CONTROL BUILDING/ BOROUGH FACILITY VISIT ENTRANCE

Visitors shall be subject to search at any time within a correctional facility. This commences at the time of arrival to the Rikers Island Visit Control Building or borough facility visit entrance. Visitors will be subject to canine searches once they arrive to the Benjamin Ward Central Visit Building in compliance with the procedures in Directive 4531R-A, "Canine Units (K-9)." The Department shall include the visit search procedures and any other visit rules and regulations in an informational poster for visitors. These procedures shall also be prominently posted in all visit search areas.

1. Each visitor entrance shall be equipped with the following electronic security devices:
 - a. Walk-Through Metal Detector: The location of the walk-through metal detector must be carefully selected and any nearby metal objects must be stationary.
 - b. Fluoroscope Machine: This device, also known as an X-ray or Line Scan machine, should be stationed in close proximity to the walk-through metal detector.
 - c. Hand Held Metal Detector: This detector shall be used when the walk-through metal detector indicates the presence of metal; the walk-through metal detector is not functioning; or at the discretion of the search officer.

Note: When passing the hand-held metal detector over a visitor's clothing, it must be held no more than one-half (½) inch from the clothing of the person tested.

IV. THE VISIT PROCESS (Cont.)

- d. It shall be the responsibility of the area supervisor to ensure that all electronic security devices are properly functioning.
- e. Staff assigned to any facility entrance/access (front gate, visits, etc.) shall search and inspect the bathrooms, lobby, and any other area where

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	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 17 OF 37 PAGES	

inmate details may have access to at least twice per tour and document such in the area logbook. Such searches shall also be conducted prior to any inmate work detail entering the area.

2. Each visitor shall be subject to an electronic search involving a walk-through metal detector.
 - a. Visitors shall be asked to remove all metal items from their clothing prior to participating in a walk-through metal detector search.
 - b. Removed metal items shall be placed in a container where they shall be observed and inspected by the search officer.
 - c. Handbags, briefcases, containers, and packages shall be physically searched as well as inspected via the fluoroscope machine.
 - d. Items (other than electronic devices) which are not permitted in the facility but the possession of which does not constitute a criminal act shall be returned to the visitor who shall be directed to place such items in a locker. Under no circumstances shall visitors be permitted to enter Department facilities with electronic devices. A visitor arriving with such items shall be given the opportunity to secure them in the designated area or deposit them in the amnesty box and continue with the visit process or to depart the facility.
 - e. Items whose possession constitutes a crime shall not be returned and shall be transferred to the proper authorities. Upon the discovery of such items, existing Department procedures relating to the detention and subsequent arrest of the visitor shall be followed and the visit denied in accordance with Section III.F of this Directive.

C. Pat Frisk Searches of Visitors

If a visitor has been checked with a metal detector and staff reasonably believes further inspection is necessary to preclude the introduction of contraband (e.g., the triggering of the metal detector, a suspicious bulge in the visitor's clothing,

IV. THE VISIT PROCESS (Cont.)

confidential information, or visitor's documented history of attempting to bring in contraband), the following actions shall be taken:

1. The staff member shall immediately notify the area supervisor, who shall evaluate the situation to determine if further inspection for contraband is

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 18 OF 37 PAGES	

warranted. If the cause for further inspection is a suspicious item on the visitor's person, the visitor should be given an opportunity to remove it or forego the visit, prior to further action.

2. If the Area Supervisor determines that further inspection is warranted, he/she shall notify the Commanding Officer (or his/her designee) and, if given approval by the Commanding Officer, shall give the visitor a copy of Form 439, "Search Consent Report" (Attachment B). The reason for the pat frisk shall be entered on Form 439 by the Area Supervisor who shall also verbally inform the visitor of the following:
 - a. A Pat Frisk Search shall be required prior to the visitor having a contact visit with the inmate and the reason for the search;
 - b. The nature of a Pat Frisk Search (a description of the search procedure is also printed on the back of Form 439);
 - c. The visitor may refuse to be pat frisked and may be denied a contact visit for that day and offered a non-contact visit instead. If the visit Captain determines, in accordance with BOC Minimum Standards, that a non-contact visit would still constitute a serious threat to the safety and security of the institution, the visitor may be denied a visit entirely in accordance with Section III.F of this Directive; and
 - d. That refusal of a Pat Frisk Search shall result in a non- contact visit unless:
 - i. The Commanding Officer (or designee) deems it that the visit be denied entirely for security reasons based on reliable confidential information or the presence of a suspicious bulge in the visitor's clothing; or
 - ii. A Metal Detector Search has indicated the presence of a metallic object on the visitor and the visitor does not consent to the Pat Frisk,

IV. THE VISIT PROCESS (Cont.)

Note: In such cases the visit will be denied entirely in accordance with Section III.F of this Directive.

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 19 OF 37 PAGES	

3. If the visitor consents to a Pat Frisk Search, the area supervisor shall check the appropriate box on Form 439 and obtain the visitor's signature on the form prior to conducting the Pat Frisk Search.
 - a. If a Pat Frisk of a visitor under sixteen (16) years of age is necessary, the signatures of the adult accompanying the minor and the minor (if able to write) should be obtained. The results of the Pat Frisk Search shall then be entered on the form and the form signed by the Area Supervisor. A copy of the form shall be given to the visitor. The original copy of the form shall be placed in a file maintained by the Deputy Warden for Programs. A copy of this form shall also be placed in the inmate's institutional folder.

Note: If contraband is found, a copy of the form shall also be forwarded to the Deputy Warden for Security.
4. Before the pat frisk is conducted, the visitor shall be informed by the visit supervisor that, if he/she consents to the pat frisk and the search finds dangerous contraband such as illegal drugs or weapons, the visitor shall be arrested.
5. Also, prior to the Pat Frisk search, the visitor shall be provided with the up-to-date list of what the Department considers to be dangerous contraband. If the visitor cannot read, the list shall be explained orally to the visitor by the visit supervisor with the assistance of a translator if needed. The visitor shall then be given the choice of:
 - a. Agreeing to the search;
 - b. Not being allowed a contact visit and having a non-contact booth visit instead; or
 - c. Not visiting at all and exiting the facility.
6. Visitors choosing not to visit shall be permitted to leave freely without further searches or questioning. Alternatively, if the visitor voluntarily surrenders any contraband items in their possession, they may be permitted to visit after passing a pat frisk (provided the possession of any voluntarily surrendered item does not constitute a criminal offense).

IV. THE VISIT PROCESS (Cont.)

7. If the pat frisk results in the discovery of contraband, the Tour Commander shall be notified. If the Tour Commander determines that an arrest is

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 20 OF 37 PAGES	

warranted, he/she shall notify the Department Officer of the Day (OD) via the Central Operations Desk (COD) for authorization.

- a. In all cases where contraband is discovered, whether an arrest is made or not, the contact visit shall be terminated in accordance with Section III.F of this Directive and copies of Form 143R shall be prepared and distributed as follows:
 - i. Original to Inmate's Folder;
 - ii. Copy to Commanding Officer of SOD;
 - iii. Copy to Deputy Warden for Programs (inmate's facility);
 - iv. Copy to Inmate;
 - v. Copy to Visitor;
 - vi. Copy to Deputy Warden for Security (only if contraband found).
 - b. If an arrest is not made and the visit is not denied pursuant to Section III.F of this Directive, the visit supervisor shall secure the contraband and a non-contact booth visit shall be arranged instead of a contact visit.
8. The Pat Frisk search of the visitor shall be conducted in a dignified manner, in an area away from public view, under the supervision of the visit supervisor, by an officer other than the regular search officer, and by an officer who is of the same gender as the visitor. The remaining visitors shall continue to be processed simultaneously while the pat frisk is being done so as not to interrupt the processing of other visitors.
- a. The Pat Frisk search is conducted by patting the outer clothing over the entire length of the visitor's body and examining the seams and pockets of the visitor's clothing. During the search, visitors may be required to remove their outer garments, coat, hat, shoes, and no other items. Except as provided for in Section IV.C.8.b below, the visitors skin shall be touched only at the shirt-sleeves and collar. Visitors shall be required to run their fingers through their hair under the observation of a Correction Officer in order to ensure that weapons or other contraband are not secreted in the hair. At the discretion of the officer, a transfrisker may be used to check for contraband in a visitor's hair.
 - b. To perform a pat frisk, the Correction Officer stands behind the visitor and asks the visitor to raise their arms. Then, the officer runs their thumbs under the visitor's collar, runs their hands across the top of the

IV. THE VISIT PROCESS (Cont.)

visitor's arms, comes back under the visitor's arms to the armpits and down the visitor's sides to the waist. The officer then runs their finger

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 21 OF 37 PAGES	

around the visitor's waistband, runs their hands down the outside of the visitor's legs and up the inside of the visitor's legs to and including the crotch. The officer then reaches around and pats the visitor's chest and back and checks any remaining pockets. In conducting a pat frisk, officers shall strive to preserve the dignity of the visitor being searched.

Note: Should a female visitor wearing a skirt consent to a pat frisk, but because of the nature of the skirt an effective pat frisk is impossible, the visitor shall be afforded the option of moving to an area providing privacy and lifting the skirt in the presence of a female officer. Should the visitor decline to do so, the visitor shall be given a non-contact visit unless the visit is denied entirely for other reasons in accordance with departmental policy.

9. If the Pat Frisk search does not adequately resolve the Area Supervisor's concerns about the possible introduction of contraband, a contact visit may still be denied in accordance with Section III.F of this Directive and a non-contact visit substituted, provided that:
 - a. The Area Supervisor explains the reasons for the decision in the "remarks" section of Form 439 and in Section III of Form 143R; and
 - b. The Tour Commander concurs with the decision and signs both the Form 439 and the Form 143R.
10. If the visitor refuses to consent to a Pat Frisk search, the Area Supervisor shall check the appropriate box on Form 439 and obtain the visitor's signature. The Area Supervisor will then sign the form and give a copy of the form to the visitor. The original shall be forwarded to the office of the Deputy Warden for Programs who shall maintain a centralized file for such forms. A copy of the form shall also be placed in the inmate's institutional folder. The visitor will then be provided a non-contact visit with the inmate unless the visit is denied entirely pursuant to the preceding paragraph.

Note: If a non-contact visit is denied, the reason for the denial shall be entered in the "remarks" section of Form 439. If a Metal Detector Search has not indicated the presence of a metallic object but a non-contact visit has still been denied, the Commanding Officer (or designee) shall sign the form.

IV. THE VISIT PROCESS (Cont.)

11. **Searching Headwear of Religious Significance or Religious Beaded Necklaces**

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 22 OF 37 PAGES	

- a. If a visitor is wearing headwear of religious significance and/or religious beaded necklaces, the headwear and/or religious beaded necklaces shall undergo a security inspection by passing a hand-held metal detector over the garment while it is being worn. After passing through the metal detector and the hand-held metal detector, a visitor wearing religious beaded necklaces may be asked to lift the necklaces without removing them, in order to show staff that there is no contraband stored in or around the necklaces. The headwear may also be subject to an ION Scan Search with prior consent from the visitor. If the hand held metal detector indicates the presence of metal, a positive ION Scan is noted, or there is a reasonable belief that further inspection is necessary to preclude the presence of contraband, the visitor will be required to consent to a pat frisk search by completing Form 439 or be subject to a booth visit. During the pat frisk search of the individual's body in accordance with the procedures delineated in Section IV, a further inspection of the headwear or the religious beaded necklaces may be conducted as prescribed below.
- b. If an individual is subject to a consented pat frisk as described in Section IV.C.11.a., and the visitor is wearing either religious headwear or a religious beaded necklace, the following procedures will be followed.
- i. If the visitor signs Form 439, the visitor shall be escorted by an officer of the same sex as the visitor to a pat search area and asked to remove the headwear at which time the officer will inspect the headwear for contraband without touching the headwear. If the visitor is wearing religious beaded necklaces, the visitor will not be required to remove the necklaces while an officer visually inspects the necklaces for contraband without touching. The visitor may be asked to manipulate the religious necklaces or headwear in a manner satisfying to the officer that there is no presence of contraband. At the conclusion of the inspection, if the visitor was asked to remove the headwear, the visitor shall be given reasonable time to replace the headwear before leaving the private area;
- IV. THE VISIT PROCESS (Cont.)
- ii. If the visitor refuses to sign the consent form, the visitor can be provided with a booth visit. If the visitor declines a booth visit, facility access shall be denied.

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 23 OF 37 PAGES	

D. Ion Scan Searches

An Ion Scan search is a search in which a drug and explosives detection device is passed over, and may come into contact with, an individual's hand, area of clothing, footwear, personal items, purses/handbags, packages, correspondence, or any other article that may retain traces of illicit substances. Each visitor entering a Department building may be subjected to an Ion Scan search in addition to the routine visitor processing.

1. All visitors are subject to undergo an Ion Scan search.
2. Ion scan searches shall be performed in accordance with Directive 4530, "Ion Scan Searches," to avoid impeding the administrative processing of visitors.
3. In any instance where a visitor's headwear of religious significance (e.g., kufi, yarmulke) is to be the subject of an ION Scan search, the area supervisor shall note the reason for the ION Scan Search on Form 439 and Form 143R. Copies of the forms shall be disseminated and filed accordingly.

E. VISITOR EXPRESS

1. All visitors to a Department facility shall have the option to enroll in the Visitor Express computer system. The enrollment shall include: computer scanning of the visitor's identification, photographing the visitor, and collecting the visitor's fingerprints using the biometric reader device. The Registration Officer shall attempt biometric registration and the officer shall explain to the visitor that submitting to fingerprinting will result in speedy registration for future visits. If the visitor refuses to be fingerprinted, the Registration Officer shall immediately notify the visit supervisor. The Visit Supervisor shall attempt to persuade the visitor to provide fingerprints.

Note: Returning visitors shall only have to press their fingers on the biometric fingerprint reader. Once the fingerprints are read and identified, the computer will display the visitor's necessary information. If the visitor refuses to provide fingerprints, it will be necessary for the officer to scan the

IV. THE VISIT PROCESS (Cont.)

returning visitor's Identification to locate the visitor's information.

2. If all attempts to obtain the fingerprints fail, the Visit Supervisor shall override the fingerprint requirement in the Visitor Express application.

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 24 OF 37 PAGES	

noting that the visitor refused to be fingerprinted and then enrollment shall proceed. In addition, if the biometric reader is inoperable, the Visit Supervisor shall override the fingerprint requirement in the Visitor Express application noting that the equipment is inoperable. In either instance, the visitor shall be processed manually.

3. **Once the visitor has been properly registered, the Visitor Express shall create a Visitor Express Ticket which includes a photo of the visitor and a unique barcode. In such cases, the Visitor Express Ticket shall be scanned by Department staff in lieu of the Visit Process Form.**
4. **The Visitor Express Application shall also automatically make all required notifications in relation to the visit. No additional notification from staff is required.**

Note: If Visitor Express is not working, staff shall immediately notify the help desk and obtain a ticket number for assistance and then revert to manual procedures.

F. MANUAL PROCESS

Upon entry into the Rikers Island Visit Control Building or borough facility visit entrance, all visitors (whether this is their first or subsequent visit) shall be instructed to form a line at the appropriate facility's reception/registration desk for the purpose of pre-registration.

Note: At the Rikers Island Visit Control Building, each registration desk shall be clearly marked by facility name. If the visitor requires further information or an interpreter, he/she shall be directed to the "General Information" (GI) desk.

1. At the borough facilities, visitors shall line up in front of the registration desk. At Rikers Island, visitors shall line up in front of the registration desk designated for the intended facility. The reception officer shall time-stamp and issue the sequentially numbered Visit Processing Form (**Digital Form**).

IV. THE VISIT PROCESS (Cont.)

2. Visitors may either take this form to the provided writing surface to complete or fill it out while waiting on line. Visitors shall then complete the upper portion of the Visit Processing Form (including name, address, relationship, inmate's name and location, if known). Visitors requiring assistance in the preparation of this form shall be assisted by the reception officer.

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 25 OF 37 PAGES	

3. Upon completion of the forms, visitors shall return to the end of the line. Since the time needed to complete this form will not vary greatly among all visitors, the reception officer shall pre-register visitors in the order the Visit Processing Form was issued. The reception officer shall verify the inmate's presence in the facility by checking the Department's Inmate Information System (IIS) computer terminal at the facility registration desk. If the inmate does not appear on the IIS computer terminal, the visitor shall be directed to the GI window. Borough facility visitors shall be directed to the General Office (GO) window.
4. The officer assigned to the desk shall initiate a trace of the inmate's location. The desk officer shall make sure that all identifying information (name, aliases, book and case number, date of birth, etc.) provided by the visitor is accurate and correctly entered into the IIS computer system. If the IIS computer cannot locate the inmate in the computer record, the desk officer shall call the GO of the last facility where the inmate was housed and obtain the information from the inmate's custody records.
5. The desk officer shall obtain and provide to the visitor the current location and custody status of the inmate, including the name of the facility to which the inmate has been transferred, the address location of the facility, and directions on how to get there; or if the inmate has been discharged, the date of the inmate's release and the place from which the inmate was released (e.g., AMKC, Bronx Supreme Court, etc.). This verified information shall be provided to the visitor to assist the visitor in finding the inmate.

Note: If the inmate is still in custody on Rikers Island, the GI desk officer shall direct the visitor to the correct visit reception desk in the Visit Control Building.

6. The reception officer shall examine the Visit Processing Form for accuracy and completeness then return the copy to the visitor. This copy shall remain in possession of the visitor throughout the visit process and shall serve as a reference to identify the visitor at any given time. Visitors to Rikers Island shall then await transportation to the appropriate facility.

IV. THE VISIT PROCESS (Cont.)

G. NOTIFICATION PROCESS

1. After giving the visitor the copy of the Visit Processing Form/Visit Express Ticket, the reception officer shall immediately notify by telephone the appropriate facility's assigned notification officer. Batching of visiting processing forms will delay the notification process and must be avoided. The

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 26 OF 37 PAGES	

reception officer shall supply the notification officer with the inmate's name, NYSID number, book and case number, location, and the visitor name(s) as indicated on the Visit Processing Form/Visit Express Ticket.

2. The assigned notification officer shall notify the appropriate housing officer by telephone that the inmate has visitors. If the inmate cannot be immediately located, the next inmate shall be notified to avoid unnecessary delays.

In order to locate inmates promptly, the housing area officer shall refer to his/her out-count list. The housing area officer shall notify the officer assigned to the appropriate area of the inmate's waiting visitor. The area officer shall immediately notify the inmate of the waiting visitor. The officer shall ask the inmate whether or not the inmate chooses to interrupt his/her activity to go to the visit immediately, or if not, whether the inmate chooses to begin the visit after the activity is over.

3. The officer shall promptly notify the housing officer of the inmate's decision.
4. When the inmate has been located, the housing officer shall notify the notification officer who shall notify the visitor of the delay and the approximate length of the delay before the inmate will reach the visit floor.
5. Once the inmate has been notified and agreed to see the visitor, the inmate shall proceed to the designated visit clothing exchange room.
6. The Notification Officer must immediately be notified by the Visit House Inmate Search Officer when the inmate arrives at the visit house. If the inmate does not arrive for the visit within thirty (30) minutes, the visit supervisor shall be notified by the notification officer and initiate a follow-up procedure. The visitor shall be kept informed of efforts to locate delayed inmates and be told the reasons for delay by the visit supervisor.
7. The visit supervisor shall ensure that the notification officer again contacts the housing officer to determine the reason for the delay of the inmate's arrival at the visit house.

IV. THE VISIT PROCESS (Cont.)

8. All inmates shall be required to change into a jumpsuit and slippers prior to participating in a visit. Inmates shall not be permitted to wear any article of personal clothing under the jumpsuit (except for underclothing).
 - a. In an effort to distinguish and closely monitor Red ID and Intended Contraband Recipients (ICR), such inmates shall be issued neon/lime

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 27 OF 37 PAGES	

green jumpsuits to be worn during their visit. Under no circumstances shall a Red ID Card or ICR inmate be permitted on the visit floor without a neon/lime green jumpsuit.

- b. Inmates shall deposit their clothing and personal effects in a mesh basket issued by the clothing exchange officer who shall issue a numbered tag corresponding with the number on the basket. These items shall be retrieved at the conclusion of the visit by using the issued tag to identify the proper inmate. The inmate's identification card shall be stored in numbered slots provided in sequence with the tags issued for the clothing baskets.

H. VISITOR TRANSPORTATION TO RIKERS ISLAND FACILITIES

1. Each Rikers Island facility shall have its own visit shuttle bus(es) and driver(s) operating between the Visit Control Building and the facility's visit house. When the visit bus arrives at the Visit Control Building, the Reception Officer, without delay, shall announce the arrival of the bus over the public address system and call visitors sequentially by form number and direct them to the appropriate bus (for example: "Visitors for the Anna M. Kross Center with forms numbering 0500 to 0525 please walk out to the bus with the sign AMKC."). The bus driver shall inspect the visitor's copy of the Visit Processing Form/Visit Express Ticket to ensure that the visitor is on the right bus.
2. The Reception Officer shall give the bus driver the original of the Visitor Processing Form/Visit Express Ticket for delivery to the visiting facility.
3. Upon arrival at the facility, the bus driver shall supervise the visitors' exit from the bus and ensure that all visitors enter into the visit house entrance. As the visitors enter the facility, the facility code of the day shall be stamped (in invisible ink) on the back of each visitor's left hand. The bus driver shall deliver to the Entrance Officer copies of the Visit Processing Forms/Visit Express Ticket. The entrance officer shall time-stamp/scan each Visit Processing Form/Visit Express Ticket to indicate the time of arrival to the facility and shall deliver the forms to the registration officer.

IV. THE VISIT PROCESS (Cont.)

4. The Facility Visit Processing Officer shall announce the bus' departure for the return trip to the Visit Control Building, board all departing visitors, and return immediately and directly to the Visit Control Building. At the Visit Control Building, the bus driver shall discharge all departing visitors.

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 28 OF 37 PAGES	

5. The bus driver shall then repeat the process of delivering arriving visitors to the facility visit house and returning departing visitors to the Visit Control Building.

I. VISIT REGISTRATION

1. The Registration Officer shall call the visitors in numerical order (e.g., 0500, 0501, 0502, etc.). Visitors shall be allowed to register only if the inmate is present in the facility.

- a. Rikers Island Visitors: If the visitor has arrived at the wrong facility, the correct facility shall be noted on the form and arrangements shall be made for transportation to the Rikers Island Visit Control Building for re-processing.

2. Identification

- a. **For each visit, every person sixteen (16) years of age or older must present one form of valid identification that contains a distinguishable photograph and signature. Individuals under the age of sixteen (16) may visit if accompanied by a properly identified adult at least eighteen (18) years of age. The adult accompanying an individual under the age of sixteen (16) shall provide the visit registration officer the name, date of birth, and gender of the child.**

- b. **Valid identification must be unexpired, verifiable, unaltered, include a distinguishable photograph and signature, and be one of the following:**

- i. **Drivers License with photo and signature (from any state or territory in the United States);**
- ii. **Resident Alien Card or Permanent Resident Card issued by the United States Department of Justice (e.g., Green Card);**
- iii. **Passport from any nation;**

IV. THE VISIT PROCESS (Cont.)

- iv. **School identification (from any state or territory in the United States);**
- v. **Employment identification card (from any state or territory in the United States);**

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 29 OF 37 PAGES	

- vi. **New York State Benefits Identification Card (e.g., medicaid/food stamp photographic identification);**
 - vii. **United States Armed Services identification card;**
 - viii. **New York State Department of Motor Vehicles Non-Drivers License Identification Card (from any state or territory in the United States); or**
 - ix. **Consulate issued identification or Diplomatic identification.**
 - x. **New York City ID Card**
- c. **A sixteen (16) or seventeen (17) year old with valid identification may accompany a child under the age of sixteen (16) if he or she is the parent of that child and the inmate being visited is also the parent of the same child. In this case, the sixteen (16) or seventeen (17) year old must produce a birth certificate for the child under the age of sixteen (16).**
- d. **The Registration Officer shall consult with the Visit Supervisor regarding any issues involving a visitor's age or identification.**
3. Visitors must sign their name on a visit registration card in invisible ink. These cards are to be kept confidential and information therein is not to be communicated to non-departmental persons. Visitors under the age sixteen (16) must have the card completed by their guardian.
4. After the visitor is registered, the registration officer shall forward the Visit Processing Forms/**Visit Express Tickets** to the visit observation officer.

J. MONEY AND PACKAGES

IV. THE VISIT PROCESS (Cont.)

1. Persons who are not visiting but who have money or packages for inmates must deposit the money or packages at the windows dedicated for receipt of these items.

Note: For Rikers Island visitors, these windows are located at the Rikers Island Visit Control Building.

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 30 OF 37 PAGES	

2. Visitors with money or packages for an inmate shall deposit these at the facility itself prior to visiting.
3. To avoid delay and the necessity of visitors having to wait on two (2) different lines, each visit area shall have at least one (1) line dedicated for funds and packages and at least one (1) line for funds only. These lines shall be clearly marked in English and Spanish to minimize confusion and delays.
4. Money: Visitors may deposit cash, teller's checks, or money orders for inmates. Personal checks shall not be accepted. The employee designated to receive funds shall record all monies in the appropriate receipt book and ensure that one (1) receipt is issued to the visitor and one (1) receipt remains in the receipt book. The visitor shall give the receipt to the inmate during their visit. Inmates must retain their own receipts for record purposes.
5. Packages: Visitors may deposit packages for inmates during visiting hours. Clothing for a court appearance on the following day may be delivered to the facility's main entrance during non-visiting hours between 0800 hours and 2100 hours and at any additional hours deemed appropriate. Handout leaflets with the listing of permissible items specified in Directive 4508R-D, "Control of and Search for Contraband" (or its successor), shall be made available to all visitors.
6. Package Inspection
 - a. The package room officer receiving packages shall remove all items from their original containers and search all items for contraband. The package room officer shall then fluoroscope the items and place all articles in a new paper bag. Then they shall complete the Clothing Receipt and give one (1) copy to the visitor and attach two (2) receipts to the bag. The searched package shall then be brought by the staff member assigned to the Package Room to the inmate at the conclusion of the visit.

IV. THE VISIT PROCESS (Cont.)

- b. The Package Receipt forms shall be signed in duplicate by the inmate who shall keep the original. The duplicate shall be maintained in a separate file in the Package Room.
- c. Persons delivering packages who choose not to visit shall deposit packages at the package receipt area of the Facility (Borough Inmate Visitors) or Visit Control Building (Rikers Island Inmate Visitors). The package room officer shall deliver these packages to the facility package

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 31 OF 37 PAGES	

room for delivery to inmate at the conclusion of the registration period. All packages shall be delivered to the inmate on the same day of its delivery to the facility unless a lawful warrant is obtained. Packages for inmates who have a court appearance on the following day shall be delivered as soon as possible on the same day received.

- d. In the course of inspection of such clothing for contraband, the clothing may be ripped, torn, or cut only as a last resort after all alternate means for inspection have been exhausted and such alternate means cause the officer to have reasonable suspicion that contraband has been concealed in the clothing. Ripping, tearing, cutting, or otherwise damaging clothing must first be authorized in writing in advance by the visit supervisor or higher ranking officer based on their personal inspection of the clothing and assessment (also explained in writing) that there is reasonable suspicion to believe contraband is concealed in the article of clothing. Where ripping, tearing, or cutting of clothing is authorized, said clothing shall be taken apart in the least destructive manner required to accomplish the inspection found to be necessary.
- e. In each case where clothing is ripped, torn, or cut and not lawfully retained, the visit supervisor shall ensure that all items are repaired and promptly delivered together with a copy of the written authorization which permitted the item to be ripped, torn, or cut to the intended inmate.
- f. A written record shall be kept of each search that describes:
 - i. The property that was searched;
 - ii. The specific reasons or suspicions for doing the search;
 - iii. How the search was accomplished and by whom;
 - iv. The alternate means of searching which were exhausted before permission to rip, tear, or cut clothing was granted;
 - v. Any items found in the search; and
 - vi. The final disposition of the clothing and all items found.

IV. THE VISIT PROCESS (Cont.)

- g. A copy of this record shall be given to the inmate whose property was searched.
7. **Outgoing Packages:** Inmates who wish to send clothes home via the visit process may do so by bringing clothing item(s) with them when called for a visit. The visit search officer shall search the items for contraband (City property, etc.). Approved items shall be placed in a paper bag by the visit search officer with the inmate's name and book and case number on the bag.

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 32 OF 37 PAGES	

The package room officer shall issue outgoing packages to the visitor after the visit but prior to exit from the visit house and ensure that the visitor signs for the package left by the inmate.

K. SEARCH OF VISITORS/FACILITY VISIT AREA

Visitor searches shall be conducted as follows:

1. Upon entering the Visit Area prior to registration, all visitors shall be stamped with a non-reversible character on the back of the left hand using fluorescent ink. This hand stamping shall be performed whether or not the visit actually takes place.
2. After registration, each visitor shall be directed to place any personal items (coats, sweaters, purses, etc.) in lockers provided for that purpose. Visitors shall retain the locker key. Upon completion of the visit, visitors shall retrieve their personal property from the locker.
3. Prior to the visitor(s) entering the Contact Visit Room, search procedures outlined in Section IV.A - D shall be adhered to.

L. THE VISIT

1. Upon completion of the search process, visitors shall enter the visit waiting area. Visitors may sit in the visit room if space allows. When both visitor and inmate are seated together, the observation officer shall time-stamp/scan both copies of the Visit Processing Form/Visit Express Ticket.
2. **Physical contact shall be permitted between every inmate and all of the inmate's visitors. Permitted physical contact shall include a brief embrace and kiss between the inmate and visitor at both the beginning and end of the visitation period. Inmates shall be permitted to hold children in the inmate's family who are ages fourteen (14) and younger throughout the visitation period. However, the Department may limit**

IV. THE VISIT PROCESS (Cont.)

an inmate's holding of children to one child at a time. Additionally, inmates shall be permitted to hold hands with their visitors throughout the visitation period, which the Department may limit to holding hands over a partition that is no greater than six (6) inches. These provisions are not applicable to inmates housed in a contagious disease unit for medical reasons or for inmates designated for non-contact visits. In accordance with BOC Minimum Standards, the Department may impose

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 33 OF 37 PAGES	

certain limitations for visitors to inmates in Enhanced Supervision Housing.

3. During visits, inmates and visitors shall be required to abide by the following rules:
 - a. Inmates and visitors shall remain seated with hands above the tables.
 - b. No exchange of items are permitted without prior approval.
 - c. At the completion of the visit, the visitor(s) shall remain seated until the inmate has departed the area.
4. The contact visit observation officers shall patrol the Visit Room to ensure that the rules are enforced and that no contraband is introduced into the facility or given to any inmate. At the completion of the visit, the observation officers shall direct the inmates to the appropriate area for search and clothing change. Visitors shall be directed to the proper exit and required to display the stamp of the day on their left hand prior to exiting the contact area.
5. Non-contact visits shall take place in the Visit Booth Area of each facility during the regularly established visiting hours. Both inmates and visitors shall undergo the same registration and search procedures as prescribed for contact visits.

M. VISITOR EXIT PROCEDURES

1. Prior to visitors exiting from the visit house, the officer assigned to the visit house entrance gate shall inspect the hand stamp code of each visitor with the use of the ultraviolet light. If an exiting visitor displays a hand stamp with a wrong code, a code that is smudged or distorted, or no stamp at all, the individual in question shall be detained and immediate notification shall be made to the visit supervisor who shall conduct an immediate investigation to determine the proper identity of the individual (if the individual has been

IV. THE VISIT PROCESS (Cont.)

identified as an inmate, the Tour Commander shall be notified and take appropriate action).

- a. At all Rikers Island facilities, after visiting, visitors shall await the arrival of the bus in the designated facility waiting area.

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 34 OF 37 PAGES	

2. The entrance officer shall then time-stamp/scan the original and the copy of the Visit Processing Form/Visit Express Ticket for the last time. The copy shall be given to the visitor and the original shall be filed in the facility visit record file.
3. In addition, all Rikers Island facility visit buses shall be equipped with a portable black light. The visit bus driver shall check the hand stamp with the black light as each visitor boards the bus and again when exiting the bus at the Visit Control Building.

N. INMATE SEARCH

Upon completion of a visit, the inmate shall be directed to the inmate Visit Search Room where he/she shall be required to undergo a "Strip Search **without** a Visual Body Cavity Search." A Strip Search without a Visual Body Cavity Search is a visual inspection of the armpits, oral cavity, ears, nose, navel, and hair while the inmate is undressed. This search shall not involve visual inspection of an inmate's anal or genital cavity, require the inmate to spread his/her buttocks, or lift his/her genitals or breasts. This inspection may involve directing the inmate to perform a deep knee bend in order to expel any contraband that may be secreted in the anal or genital cavity. This may also include conducting a search of the inmate's worn apparel (possibly including the ripping, tearing, and/or cutting of the clothing) after clothing has been removed.

Note: For additional information refer to Directive 4508R-D, Section V.F.

O. CONTROL BUILDING AND FACILITY OBLIGATIONS

1. Each facility shall make every effort to minimize waiting time prior to a visit.
2. Visitors shall not be required to wait outside a facility or the Visit Control Building. All waiting and visiting areas shall provide:
 - a. Adequate seating for each visitor to accommodate the highest peak demand for visits that the facility normally has.

IV. THE VISIT PROCESS (Cont.)

- b. Access to bathroom facilities and drinking water. Facilities are responsible to see that bathrooms shall be inspected and cleaned every two (2) hours during visiting and at the beginning and end of each visit day and are kept clean and sanitary at all times.
- c. Access to vending machines for beverages and foodstuffs.

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 35 OF 37 PAGES	

- d. Access to Spanish speaking employee(s) or volunteer(s).
 - e. All visiting rules, regulations, and hours clearly posted, in English and Spanish, in the waiting and visiting areas at each facility.
3. Each bus shall be searched at the onset of each visit day at all Rikers Island Facilities to deter the introduction of contraband by visitors. The visit bus driver shall also inspect the passenger compartment for contraband before loading visitors at the Visit Control Building and after discharging visitors at the facility.
 4. The following signs shall be conspicuously posted in both English and Spanish in all waiting and visiting areas of each facility:
 - a. Information;
 - b. Search;
 - c. Cash drop off; and
 - d. Cash and package drop off.
 5. The following materials shall be conspicuously posted in both English and Spanish in all waiting and visiting access areas of each facility:
 - a. Penal Law relative to promoting prison contraband;
 - b. Visit Area procedures;
 - c. Registration Procedures;
 - d. Locker Instructions;
 - e. Rules of conduct;
 - f. Visit Schedule; and
 - g. Age and Identification Requirements.
 6. The following signs and materials shall be conspicuously posted in both English and Spanish in the Visit Control Building for Rikers Island visitors:
 - a. Penal law relative to promoting prison contraband;
 - b. Pre-registration procedures;

IV. THE VISIT PROCESS (Cont.)

- c. Age and identification requirements - importance of knowing inmates correct location;
 - d. Rules of conduct; and
 - e. Visit schedules.
7. The following printed hand out materials must be available:

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	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 36 OF 37 PAGES	

- a. Visit Schedules;
- b. Information Brochures;
- c. Permissible Package Items (Listing); and
- d. Public and private transportation schedules.

V. REFERENCES

- A. Directive 1500R-A, "Standard Operating Procedures for Receipt, Disbursement, and Accounting of Inmate Cash Funds," dated 11/10/97 (as amended).
- B. Directive 1504, "Safeguarding of US Currency," dated 9/19/96.
- C. **Directive 4002R-C, "Receiving and Sending Inmate Packages," dated 7/26/16 (as amended).**
- D. Directive 4508R-E, "Control of and Search for Contraband," dated 5/15/09 (as amended).
- E. Directive 4512, "Visit Security Procedures," dated 6/23/82 (as amended).
- F. Directive 4525, "Amnesty Boxes," dated 3/29/05.
- G. Directive 4530, "Ion Scan Searches," dated 7/10/03.
- H. Operations Order 02/09, "Transporting Inmates with Disabilities," dated 3/9/09.
- I. Operations Order 24/07, "Transporting Visitors with Disabilities," dated 12/21/07.
- J. Board of Correction, Minimum Standards - Section 10.

VI. ATTACHMENTS

- A. Form 143R, "Notice to Inmate/Visitor of Limitation/Denial of Visiting Privileges," dated 7/14/17.
- B. Form 439, "Search Consent Report," dated 7/14/17.

VII. SUPERSEDES

	EFFECTIVE DATE 7/14/17	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-C			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 37 OF 37 PAGES	

A. Directive 2007R-B, "Inmate Visit Procedures," dated 9/29/08 (as amended).



NOTICE TO INMATE/VISITOR

OF CANCELLATION / LIMITATION / DENIAL OF VISITING PRIVILEGES

SECTION I - Inmate's Information

Inmate's Name (Last, First): Facility: Housing Area: Gender:

NYSID #: Book and Case / Sentence #:

SECTION II - Visitor's Information

Date and Time:

Visitor's Name (Last, First): Relationship to Inmate: Visitor's Birthday: Gender:

Street Address: City: State: Zip:

Email Address:

Note: If you appeal DOC's initial determination to the BOC, you may be notified of the final determination via the email address you provide here for a faster response. The DOC email address is: DOCVisitDetermination@DOC.NYC.Gov. Do not write to this address, it is for outgoing mail only.

SECTION III - Visitor Cancellation / Limitation / Denial

The Visit Supervisor's recommendation for above named visitor:

- CANCELLATION LIMITATION (non-contact) DENIAL
- Above named inmate All inmates
- 1-day 45 - days 60 - days 90 - days 180 - days _____ - days

SECTION IV - Inmate Cancellation / Limitation / Denial

The Visit Supervisor's recommendation for above named inmate:

- CANCELLATION LIMITATION (non-contact) DENIAL
- Above named visitor All Visitors
- 1-day 45 - days 60 - days 90 - days 180 - days _____ - days

SECTION V - Justification of Inmate and/or Visitor Cancellation / Limitation / Denial

The recommendation to cancel / limit / deny the above inmate's or visitor's visitation rights is based on the following:

- Actions by the Inmate Actions by the Visitor Actions by the Inmate and Visitor
- Inmate/Visitor observed passing contraband Inmate/Visitor in possession of contraband
- Inmate Transferred/Discharged Medical Visitor refuse to wait Out to court
- Pending investigation Inappropriate attire Inmate refused visit Failed ion scan
- Invalid/Expired ID Disrespect Staff Refuse to obey rules and regulations Other

Details: _____

This cancellation / limitation / denial conforms to the Cancellation / Limitation / Denial Grid (below), based on the circumstances noted above and, when applicable based on the visitor's restriction history (Section V) or based solely on the extenuating circumstances.

Recommended by: _____ Approved by: _____
Visit Supervisor (Print Name, Rank, Shield / Signature) Tour Commander / Deputy Warden of Programs (Print Name, Rank, Shield / Signature)

ATTACHMENT - A

	<p>CORRECTION DEPARTMENT CITY OF NEW YORK</p>	<p>FORM: 143R REV.: 7/14/17 REF.: Dir. 2007R-C</p>	<p>Page 2 of 3 Pages</p>
<p>NOTICE TO INMATE/VISITOR OF CANCELLATION / LIMITATION / DENIAL OF VISITING PRIVILEGES</p>			



SECTION VI - Visitor Cancellation / Limitation / Denial Grid (Check One)

Sanction	1st Offense		2nd Offense		3rd Offense	
	Visitor	Inmate	Visitor	Inmate	Visitor	Inmate
<input type="checkbox"/> Visit cancelled / Limited to non-contact (Current visit).	<u>N/A</u>		<u>N/A</u>		<u>N/A</u>	
<input type="checkbox"/> Promoting Prison Contraband - (Weapons) Specifically scalpels, razor blades, hobby blades, or similar type of instrument.	<u>Visitor loss of visit privileges with any inmate indefinitely</u>		<u>Visitor loss of visit privileges with any inmate indefinitely</u>		<u>Visitor loss of visit privileges with any inmate indefinitely</u>	
	<u>Inmate loss of contact visit for remainder of incarceration</u>		<u>Inmate loss of contact visit for remainder of incarceration</u>		<u>Inmate loss of contact visit for remainder of incarceration</u>	
<input type="checkbox"/> Promoting Prison Contraband - (Narcotics or controlled substance) When a visitor is found to be in possession and/or is promoting narcotics or controlled substances, that visitor's right to visit any inmate in any facility shall be denied.**	180 days*	180 days	180 days*	180 days	<u>Offending visitor's loss of visit privileges with any inmate indefinitely</u>	180 days
	Visit cancellation with any inmate for the offending visitor	Non-contact visits with any visitor	Visit cancellation with any inmate for the offending visitor	Non-contact visits with any visitor		Non-contact visits with any visitor
<input type="checkbox"/> Possession or Promotion of Prison Contraband - (Electronic Devices and Prohibited Items) When a visitor is found to be in possession of this type of contraband, specifically, cell phones, cameras, pagers, tobacco related products, matches/lighters, etc., that visitor's right to visit any inmate in any facility shall be denied.**	180 days	180 days	1 year*	180 days	<u>Offending visitor's loss of visit privileges with any inmate indefinitely</u>	180 days
	Visit cancellation with any inmate for the offending visitor	Non-contact visits with any visitor	Visit cancellation with any inmate for the offending visitor	Non-contact visits with any visitor		Non-contact visits with any visitor
<input type="checkbox"/> When a visitor assaults staff, an inmate, or another visitor, that visitor's right to visit any inmate in any facility shall be denied.	180 days	<u>N/A</u>	1 year*	<u>N/A</u>	<u>Offending visitor's loss of visit privileges with any inmate indefinitely</u>	<u>N/A</u>
	Visit cancellation with any inmate for the offending visitor		Visit cancellation with any inmate for the offending visitor			
<input type="checkbox"/> When a visitor threatens or verbally abuses staff or another visitor or causes a disturbance that puts staff in imminent danger, that visitor's right to visit any inmate in any facility shall be limited/denied.	45 days	<u>N/A</u>	90 days	<u>N/A</u>	1 year*	<u>N/A</u>
	Visit cancellation with any inmate for the offending visitor		Visit cancellation with any inmate for the offending visitor		Visit cancellation with any inmate for the offending visitor	
<input type="checkbox"/> Any visitor who presents false ID or attempts to impersonate another person or otherwise fails to follow the instructions of staff (i.e. refusal to submit to security procedures, such as) and thereby causes disruption of the visit process, shall have his/her right to visit any inmate in any facility limited/denied.	45 days	N/A	90 days	N/A	1 year*	N/A
	Visit cancellation with any inmate for the offending visitor		Visit cancellation with any inmate for the offending visitor		Visit cancellation with any inmate for the offending visitor	
<input type="checkbox"/> Any visitor who is found to have stolen property, or who commits an act of vandalism while on Department of Correction property, shall have his/her right to visit any inmate in any facility limited/denied.	90 days	N/A	180 days	N/A	1 year*	N/A
	Visit cancellation with any inmate for the offending visitor		Visit cancellation with any inmate for the offending visitor		Visit cancellation with any inmate for the offending visitor	
<input type="checkbox"/> Any visitor or inmate who is found to be in possession of any items(s) that is considered contraband, (i.e. food, beverages, gum, metro card); shall have his/her right to a visit in any facility limited to a booth visit.	30 days	30 days	60 days	60 days	1 year*	180 days
	Loss of contact visits	Non-contact visits with any visitor	Loss of contact visits	Non-contact visits with any visitor	Visit cancellation with any inmate for the offending visitor	Non-contact visits with any visitor

*Upon the inmate's or visitor's written request, all determinations shall be reviewed by the Deputy Warden for Programs every thirty (30) days.
 ** When a visitor is found to be in possession and/or is promoting narcotics or controlled substances, that visitor's right to visit any inmate in any facility shall be denied. An inmate will receive 180 days of non-contact visits if contraband is passed or attempted to be passed by the visitor to the inmate, or a visitor who is registered to visit an inmate is arrested for promoting prison contraband prior to the commencement of the visit.

SECTION VII - Visitor Restriction History

	<p>CORRECTION DEPARTMENT CITY OF NEW YORK</p>	<p>FORM: 143R REV.: 7/14/17 REF.: Dir. 2007R-C</p>	<p>Page 3 of 3 Pages</p>
<p>NOTICE TO INMATE/VISITOR OF CANCELLATION / LIMITATION / DENIAL OF VISITING PRIVILEGES</p>			
			

SECTION VIII - VISITOR / INMATE APPEAL PROCEDURE AND RECEIPT

The visitation rights of an inmate with a particular visitor may be limited or denied only when it has been determined that the exercise of those rights constitutes a threat to the safety or security of visitors or the facility. This may happen only if denying the right to contact visits alone would not reduce this threat. This decision must be based on specific acts committed by the visitor during a prior visit that demonstrates his / her threat to the safety or security of a particular facility, or on specific information received and verified that the visitor plans to engage in acts during the next visit that will be a threat to the safety or security of the facility.

This decision to cancel, limit or deny visits shall be made by the Deputy Warden for Programs, who will provide written notification and specific charges, including the names and the statements of the charging parties, to both the intended visitor and the inmate. The visitor who is affected shall have the opportunity to be heard on the charges face-to-face with the Deputy Warden for Programs, or the Tour Commander if the Deputy Warden for Programs is absent prior to the determination. At the visitor's request, this decision may be reviewed by the Deputy Warden for Programs every thirty (30) days. The name of an informant may be withheld if necessary to protect his / her safety.

Visitors and Inmates whose visiting privileges have been canceled, limited or denied by the Department of Correction (DOC) may appeal to the New York City Board of Correction (BOC). Any person who appeals shall give notice in writing to the BOC and to the DOC Commanding Officer. The facility and any person affected by the decision may submit to the BOC, for its consideration, any evidence or relative material relevant to the cited offense and to the cancellation/limitation/denial. The BOC, or the designee, shall issue a written decision upon the appeal within five (5) business days after it has received notice of the requested review.

My signature certify that I have received a copy of the notice of cancellation/limitation/denial with the B.O.C Minimum Standards Appeal and Complaint form (see Section VII below).

Signature of Visitor / Inmate: _____ Witnessed by: _____ Date: _____

SECTION IX - BOC APPEAL AND COMPLAINT FORM

NYC BOARD OF CORRECTION
 1 CENTRE STREET Room 2213
 NEW YORK, NEW YORK 10007
 (212) - 669-7900

BOARD OF CORRECTION
MINIMUM STANDARDS APPEAL AND COMPLAINT FORM

This form should be promptly completed by any prisoner or other person appealing a determination to the Board of Correction relating to a minimum standard. This form should be given to a staff member of the Board of Correction at the facility or mailed to the address above or emailed to BOC@boc.nyc.gov. This form should also be utilized for the purpose of making any complaint or command involving the minimum standards.

DOC FACILITY AND HOUSING AREA: _____

APPLICABLE STANDARD, INCLUDING SECTION NUMBER: _____

NAME AND BOOK AND CASE NUMBER OF INMATE: _____

NAME, ADDRESS, PHONE NUMBER OF APPELLANT OTHER THAN INMATE: _____

NATURE OF DECISION BEING APPEALED (Attach copy of any written notice or decision provided by DOC): _____

DATE DECISION BEING APPEALED WAS MADE BY DOC: _____

NAME / IDENTIFICATION OF PERSON(S) WHO MADE DECISION BEING APPEALED: _____

REASON FOR APPEALING DECISION OR MAKING COMPLAINT (Attach any applicable written or other materials to be considered in the appeal):

 Signature Date

(Please attach additional sheets if you need to provide more information needs to BOC for your appeal)

SECTION X - APPEAL DISPOSITION

You have appealed your non-contact visit restriction to the Board of Correction. The Board of Correction granted your appeal on ____/____/____ restoring your contact visits or modifying your restriction. Upon review of the Board of Correction's decision, the Department of Correction is issuing the following final determination:

- The Department of Correction will uphold the Board of Correction's non-contact Visit Appeal decision.
- The Department of Correction **will not** uphold the Board of Correction's non-contact Visit Appeal decision.

Bureau Chief's Signature: _____ Date: _____

You acknowledge you have received a copy of the Final Appeal Disposition on ____/____/____

Inmate's Signature: _____ Book&Case #: _____ Date: _____

	CORRECTION DEPARTMENT CITY OF NEW YORK		Form: #439 Rev.: 7/14/17 Ref.: Directives #2007R-C & #4508R-E	
SEARCH CONSENT REPORT				
Facility:	Date:	Time:	Housing Area:	
Inmate's Name:	Book & Case #:	NYSID #:	Cell or Bed #:	
Visitor's Name:				
<p>1. Before you will be permitted to have your visit, it is necessary for you to undergo a Pat Frisk Search. You have the right to refuse this search. If you do refuse the search, contact visit privileges will be denied and a "Non-Contact or Booth" visit will be provided in place thereof. Please note, however, that if a Metal Detector Search has indicated the presence of a metallic object on your person and you do not consent to a Pat Frisk, the visit will be denied entirely.</p> <p>2. A description of the Pat Frisk procedures is printed on the reverse side of this form.</p> <p>3. I understand that I may refuse to submit to a Pat Frisk Search and if I refuse to be searched my visiting privileges will be restricted or denied as outlined in #1 above.</p> <p> <input type="checkbox"/> I consent to a Pat Frisk Search <input type="checkbox"/> I consent to a ION Scan Search on my headwear of religious significance <input type="checkbox"/> I DO NOT consent to a Pat Frisk Search <input type="checkbox"/> I DO NOT consent to a ION Scan Search on my headwear of religious significance </p>				
Signature of visitor:			Date:	
Signature of adult accompanying visitor (If visitor is under 16 years of age):			Date:	
Signature of Officer:			Date:	
Signature of Supervisory Officer:		Rank:	Date:	
Reason for Pat Frisk Search:		Reason for ION Scan Search of my headwear of religious significance:		
Results of Pat Frisk Search:		Results of ION Scan Search of my headwear of religious significance:		
Additional Remarks:				
Distribution: Original - Inmate's Folder Copy - Commanding Officer of SOD Copy - Inmate Copy - Visitor Copy - Deputy Warden for Programs (Inmate's Facility) Copy - Deputy Warden for Security (ONLY IF CONTRABAND FOUND)				

A PAT FRISK SEARCH OF A VISITOR SHALL ONLY BE PERFORMED IN A PRIVATE AREA OF THE FACILITY BY AN INDIVIDUAL OF THE SAME GENDER AS THE VISITOR; AND SHALL BE CONDUCTED AS FOLLOWS:

A. THE PAT FRISK SEARCH IS CONDUCTED BY PATTING THE OUTER CLOTHING OVER THE ENTIRE LENGTH OF THE VISITOR'S BODY, TOUCHING THE SKIN ONLY AT THE SHIRT SLEEVES AND THE COLLAR AND EXAMINING THE SEAMS AND POCKETS OF THE VISITOR'S CLOTHING. VISITORS SHALL BE REQUIRED TO RUN THEIR FINGERS THROUGH THEIR HAIR UNDER THE OBSERVATION OF A CORRECTION OFFICER IN ORDER TO ENSURE THAT WEAPONS OR OTHER CONTRABAND ARE NOT SECRETED IN THE HAIR. AT THE DISCRETION OF THE OFFICER, A TRANSFRISKER MAY BE USED TO CHECK FOR CONTRABAND IN A VISITOR'S HAIR.

B. TO PERFORM A PAT FRISK, THE CORRECTION OFFICER STANDS BEHIND THE VISITOR AND ASKS THE VISITOR TO RAISE THEIR ARMS. THEN, THE OFFICER RUNS THEIR THUMBS UNDER THE VISITOR'S COLLAR, RUNS THEIR HANDS ACROSS THE TOP OF THE VISITOR'S ARMS, COMES BACK UNDER THE VISITOR'S ARMS TO THE ARMPITS AND DOWN THE VISITOR'S SIDES TO THE WAIST. THE OFFICER THEN RUNS THEIR FINGER AROUND THE VISITOR'S WAISTBAND, RUNS THEIR HANDS DOWN THE OUTSIDE OF THE VISITOR'S LEGS AND UP THE INSIDE OF THE VISITOR'S LEGS TO AND INCLUDING THE CROTCH. THE OFFICER THEN REACHES AROUND AND PATS THE VISITOR'S CHEST AND BACK AND CHECKS ANY REMAINING POCKETS. IN CONDUCTING A PAT FRISK, OFFICERS SHALL STRIVE TO PRESERVE THE DIGNITY OF THE VISITOR BEING SEARCHED.

NOTE: PAT FRISKING OF FEMALES WEARING SKIRTS

SHOULD A FEMALE VISITOR WEARING A SKIRT CONSENT TO A PAT FRISK, BUT BECAUSE OF THE NATURE OF THE SKIRT AN EFFECTIVE PAT FRISK IS IMPOSSIBLE, THE VISITOR SHALL BE AFFORDED THE OPTION OF MOVING TO AN AREA PROVIDING PRIVACY AND LIFTING THE SKIRT IN THE PRESENCE OF A FEMALE OFFICER. SHOULD THE VISITOR DECLINE TO DO SO, THE VISITOR SHALL BE GIVEN A NON-CONTACT VISIT UNLESS THE VISIT IS DENIED ENTIRELY FOR OTHER REASONS IN ACCORDANCE WITH DEPARTMENTAL POLICY.

C. DURING THE PAT FRISK, THE VISITOR MAY BE REQUIRED TO REMOVE HIS/HER OUTER GARMENTS, COAT, HAT, SHOES AND NO OTHER ITEMS.



THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION



DIRECTIVE

<input type="checkbox"/> NEW <input type="checkbox"/> INTERIM <input checked="" type="checkbox"/> REVISED			SUBJECT		
EFFECTIVE DATE 6/1/18		*TERMINATION DATE / /	INMATE VISIT PROCEDURES		
CLASSIFICATION # 2007R-D	SUPERSEDES 2007R-C	DATED 7/14/17			
RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER <i>Hazel Jennings</i> HAZEL JENNINGS, CHIEF OF DEPARTMENT SIGNATURE			AUTHORIZED BY THE COMMISSIONER <i>Cynthia Brann</i> CYNTHIA BRANN SIGNATURE		

I. PURPOSE

The purpose of this Directive is to outline New York City Department of Correction (Department) policy, guidelines, and procedures for inmate visits.

Maintaining personal connections with social and family networks and support systems is critical to improving outcomes both during confinement and upon reentry. Visitation with friends and family plays an instrumental role in an inmate's ability to maintain these connections and should therefore be encouraged and facilitated by the Department.

II. POLICY

- A. All approved inmate visitors shall be allowed access to the Department's facilities in an efficient and courteous manner during established visiting hours.
- B. **Access to visitation shall not be denied, revoked, limited or interfered with based on an inmate's or a prospective visitor's actual or perceived sex; sexual orientation; race; age, except as otherwise provided in this Directive; nationality; political beliefs; religion; criminal record; pending criminal or civil case; lack of family relationship; gender, including gender identity, self-image, appearance, behavior or expression; or disability.**
- C. Visits shall be provided in areas that allow for easy and informal communication and shall be free from as much custodial constraint as possible.
- D. Visits shall not be listened to or monitored unless a lawful warrant is obtained. However, visual supervision of visits shall be maintained at all times to ensure that the safety and security of each facility is maintained.

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	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 2 OF 40 PAGES	

II. POLICY (Cont.)

- E. Visiting rights may be limited or denied when it is determined that the exercise of those rights constitutes a serious threat to the safety and security of the facility concerned.
- F. The Department shall provide information to visitors (by telephone or internet) about the visit program. This information shall include the facility where an inmate is incarcerated, the visit schedule, and directions to the facility and/or Rikers Island.
- G. Within the visit schedule, inmates may have additional visits and have the length of a visit extended provided that space and time in the visiting facility permits.
- H. Staff shall make every effort to conduct a minimum of administrative processing in registering and searching visitors and shall not conduct duplicative processing. Visitors shall be permitted to go promptly to their visits. Whenever visits are scheduled to begin at a specific time, visitors shall not be required to arrive and register more than one-half hour prior to that time.
- I. Individual visits shall begin as soon as the visitor and the inmate are present at the visit room and seating is available. Visiting shall be conducted on a flexible, "rolling" schedule to permit continuous turnover of visitors during visiting hours and to maximize the seating capacity of the visit room. There shall be no fixed time for the beginning or end of visit sessions (e.g., every hour on the hour). The Department shall make every effort to minimize waiting time prior to a visit.
- J. Upon the proper registration of a visitor, the inmate being visited shall be promptly located and permitted to go to the visiting area. Prior to entering the visiting room, the inmate shall be informed of the identity of the prospective visitor and consent to the visit.
- K. During visit hours, all facilities shall assign a Captain to supervise the visit process. The Special Operations Division (SOD) shall have an assigned Visit Captain for the Rikers Island Visit Control Building.

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS, AND DENIALS

A. APPROVED VISITORS

1. Any properly identified person, sixteen (16) years of age or older, shall be permitted to visit an inmate with the inmate's consent. Individuals under the age of sixteen (16) may visit provided they are accompanied by a properly identified adult at least eighteen (18) years of age who must remain with them

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 3 OF 40 PAGES	

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS AND DENIALS (Cont.)

for the duration of the visit. A person sixteen (16) or seventeen (17) years of age may visit but cannot act as an adult to accompany visitors under the age of sixteen (16) unless he or she is the parent of the child and the inmate being visited is also the parent of the same child.

Note: For visitor identification requirements see Section IV.I.2 of this Directive.

2. Prior to entering the visiting room, the inmate shall be informed of the identity of the prospective visitor and consent to the visit. A refusal by an inmate to meet with a particular visitor shall not affect the inmate's right to meet with any other visitor during that period nor the inmate's right to meet with the refused visitor on a subsequent visit.

B. NUMBER OF VISITORS

1. Inmates are permitted to visit with at least three (3) visitors at the same time with the maximum number to be determined by conditions set forth in each facility (e.g., availability of space, volume of visitors/inmates, etc.).
2. Visitors shall be permitted to visit with at most two (2) inmates at the same time provided they are housed in the same facility.
3. If there is a lack of space, a facility may limit the total number of persons for any group of visitors and inmates to four (4). Such a limitation shall be waived in cases involving special necessity (such as emergency situations, situations involving lengthy travel time, or other circumstances as determined by the respective Commanding Officer).

C. VISITING SCHEDULES (DETAINEES AND SENTENCED INMATES)

1. Each detainee is entitled to receive a visit within twenty-four (24) hours after his or her initial admission to any detention facility. If an established visiting period is not scheduled within that time, arrangements shall be made to ensure that this initial visit is made available.
2. Visiting hours and days shall be the same at all facilities. The visit schedule shall be as follows:
 - a. Weekdays and evenings: On Wednesdays and Thursdays, weekday registration hours will be open from 1300 hours until 2000 hours. Daytime visit hours will be from 1400 hours until the last visitor registered has

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 4 OF 40 PAGES	

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS AND DENIALS (Cont.)

visited or until 1700 hours, whichever is later. Evening visit hours will be from 1800 hours until the last visitor registered has visited or until 2100 hours, whichever is later.

- i. On Wednesdays and Thursdays, the Rikers Island Visit Control Building will be open to process arriving and departing visitors from 1230 hours until the last visitor departs or 2200 hours, whichever is later.
- b. Weekends: On Fridays, Saturdays, and Sundays, weekend registration hours will be from 0700 hours until 1400 hours. Weekend visit hours will be from 0700 hours until the last visitor registered has visited or until 1600 hours, whichever is later.
 - i. On Fridays, Saturdays, and Sundays, the Rikers Island Visit Control Building will be opened to process arriving and departing visitors from 0700 hours until the last visitor departs or 1700 hours, whichever is later.

D. INMATES SCHEDULED TO VISIT

1. Inmates whose last name begin with letters "A" through "L" visit on the first and third (and, when it occurs, fifth) Wednesday and Saturday of the month and on the second and fourth Sunday and Thursday of the month.
2. Inmates whose last name begin with letters "M" through "Z" will visit on the first and third (and, when it occurs, fifth) Sunday and Thursday of the month and on the second and fourth Wednesday and Saturday of the month.
3. All inmates may receive visits on Fridays.
4. Visits shall last at least one (1) hour. This time period shall not begin until the inmate and visitor meet in the Visit Room. If space and time permits, visits may be extended by up to one (1) hour.

E. FREQUENCY OF VISITS

1. Detainees may receive visits at least three (3) times per week, with at least one (1) during an evening or weekend, according to the schedule.
2. Sentenced inmates may receive visits at least two (2) times per week, with at least one (1) during an evening or weekend, according to the schedule.

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 5 OF 40 PAGES	

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS AND DENIALS (Cont.)

3. Under ordinary circumstances, visits for detainee and sentenced inmates are limited to one (1) per day. Such limitation may be waived in cases involving special necessity (such as emergency situations, situations involving lengthy travel time, or other circumstances as determined by the respective facility's Commanding Officer).
4. Official visits of properly identified persons providing services or assistance, including attorneys, doctors, religious advisors, public officials, therapists, counselors, and media representatives shall not count against this number.
5. There shall be no limit to the frequency of visits by a particular visitor.

F. RULES AND PROCEDURES RELATIVE TO LIMITING OR DENYING VISITS

1. Limitation or Denial of Current Visit
 - a. As it pertains to visitors: any visitor, at any stage of the visit process, who appears to be under the influence of alcohol or drugs, refuses to comply with Department rules, is found to be in possession of contraband, or who fails to clear a security device, may be denied a visit. Such incidents shall be brought to the attention of the **Tour Commander (or their designee)**. If the **Tour Commander (or their designee)** determines that a denial of visit is warranted, they shall direct the officer to complete Form 143R, "Notice to Inmate/Visitor of Cancellation/Limitation/Denial of Visiting **Access**" (Attachment A). This form shall contain the following information:
 - i. Date of visit;
 - ii. Inmate's complete name;
 - iii. Inmate's book & case and NYSID numbers;
 - iv. Inmate's facility and housing area;
 - v. Visitor's complete name;
 - vi. Visitor's relationship to inmate;
 - vii. Reason for denial/limitation.

The visitation rights of an inmate with a particular visitor may be limited or denied only when it has been determined that the exercise of those rights constitutes a threat to the safety or security of visitors or the institution. This may happen only if denying the right to contact visits alone would not reduce this threat. This determination must be based on specific acts committed by the visitor during a prior visit that demonstrates his/her threat to the safety or security of a particular facility, or on specific

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS AND DENIALS (Cont.)

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 6 OF 40 PAGES	

information received and verified that the visitor plans to engage in acts during the next visit that will be a threat to the safety or security of the facility.

- b. As it pertains to inmates: any inmate, at any stage of the visit process, who appears to be under the influence of alcohol or drugs, refuses to comply with Department rules, is found to be in possession of contraband, or fails to clear a security device, may be denied a visit.

An inmate's right to contact visits may be denied, revoked, or limited only when it is determined that such visits constitute a serious threat to the safety or security of a facility. Should a determination be made to deny, revoke or limit an inmate's right to contact visits in the usual manner, the inmate shall be **afforded** non-contact visits. This determination must be based on specific acts committed by the inmate while in custody under the present charge or sentence that demonstrate his or her threat to the safety and security of a facility, or on specific information received and verified that the inmate plans to engage in acts during the next visit that will be a threat to the safety or security of the facility. Prior to any determination, the inmate shall be provided with written notification of the specific charges, the names of the charging parties, and their statements. This determination shall be made via Form 143R.

- c. This determination to restrict inmate and visitor restrictions shall be made by the **Tour Commander (or their designee)** who shall also provide written notification and specific charges, including the names and the statements of the charging parties, to both the intended visitor and the inmate.

The **Tour Commander (or their designee)** authorizing the denial shall then review the information to ensure its completeness and accuracy and then sign the denial. Copies of the form shall be made and given to the Commanding Officer of SOD, Deputy Warden for Programs (inmate's facility), the inmate, and the visitor. The original shall be filed in the inmate's folder, a signed copy should be kept by the Deputy Warden of Programs, OSIU, and the Visit Compliance Unit and added to a share drive.

- d. The Commanding Officer or designee shall ensure that the Form 143R is faxed to the Board of Correction (212)-669-7980 within twenty-four (24) hours, weekends and holidays included.

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS AND DENIALS (Cont.)

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 7 OF 40 PAGES	

2. Periodic Review for Non-Contact Visit Restriction Imposed on an Inmate for a Period Greater than Six (6) Months.
 - a. Whenever an inmate is subject to non-contact visit restrictions for a period greater than six (6) months, a periodic review shall be conducted.
 - b. The periodic review of such restrictions shall be conducted by the Deputy Warden of Security not less than once every six (6) months to determine whether the restrictions remain appropriate under all known circumstances.
 - c. The procedures for such review by the Deputy Warden of Security shall be as follows:
 - i. OSIU shall maintain an on-going list of inmates who have been placed into non-contact visit status for any reason. This listing shall include the date the limitation was imposed and the basis for such disposition. This report shall be provided to the Bureau Chief of Security on the first business day of each week.
 - ii. For each inmate that has been denied contact visits for six (6) months or more, every six (6) months from the date the restriction started, the Deputy Warden of Security at the appropriate facility shall submit a report within five (5) business days summarizing any known information regarding the inmate's behavior during their current incarceration (including the behavior during the non-contact visit period) which would indicate that restoring contact visits would result in a continued threat to the safety and security of the facility. Such report shall include, at a minimum:
 - A. Whether the inmate has been found guilty of any infractions during the previous six (6) months;
 - B. Whether the inmate has been involved in any inmate fights or other acts of violence during the previous six (6) months and during their current incarceration; or
 - C. Whether the inmate has otherwise been implicated as a participant in any promotion of dangerous contraband which would threaten the safety and security of a facility.

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS AND DENIALS (Cont.)

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 8 OF 40 PAGES	

- iii. The report should also include a copy of the Form 143R which was generated at the time the limitation was imposed.
- iv. Based upon the report and information, the Deputy Warden of Security shall determine whether the inmate's restriction to non-contact visits should be continued. As a general matter, limitations to non-contact visits should not be continued beyond six (6) months unless the inmate has engaged in further infractions or violent activity during the previous six (6) months period or unless there is evidence of prior activity which would support continued limitation.
- v. The results of the review and determination by the Bureau Chief of Security shall be provided to the Commanding Officer of the applicable facility and maintained in the inmate's file, the Deputy Warden of Programs Office, OSIU, and the Visit Compliance Office.

3. Inmate and Visitor Appeal Process

- a. The visitor or inmate who is affected shall have the opportunity to be heard on the charges face-to-face with the Deputy Warden for Programs or the Warden of SOD, if applicable. At the visitor's or inmate's request, this determination shall be reviewed by the Deputy Warden for Programs every thirty (30) days. The name of an informant who provided information for the determination may be withheld if necessary to protect his/her safety.
- b. Visitors and inmates whose **access to visitation has** been limited or denied may appeal to the New York City Board of Correction (BOC). Any person doing so shall give notice in writing to the BOC and to the Commanding Officer. The facility and any person affected by the determination may submit to the BOC, for its consideration, any evidence or relevant material concerning the determination. The BOC, or its designee, shall issue a written decision upon the appeal within five (5) business days after it has received notice of the requested review. The BOC or designee may issue a single extension of up to ten (10) **business** days if extenuating circumstances prevent the rendering of a decision within the five (5) day timeframe. In such instances, the BOC shall immediately notify the Department and any persons affected by the extension. The decision letters must be forwarded to the Chief of Department or a designee. Non-contact visits will not be restored until the Chief of Department or a designee makes a final determination. If the BOC grants an appeal and the Chief of Department or their designee

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS AND DENIALS (Cont.)

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 9 OF 40 PAGES	

disagrees with BOC's recommendation or decides to modify the restriction, The Central Visit Supervisor shall ensure that the visitor and/or inmate be provided with notice via Form 143. Such notice must be mailed to the visitor unless the visitor provides an email address on Form 143, in which case it must be emailed.

Note: Notification emails shall be sent from email address: DOCVisitDetermination@DOC.NYC.gov. This address is capable of outgoing email only.

- c. Once a decision is made by the Chief of Department's Office or a designee to lift a non-contact visit restriction or modify a restriction visitor express must be updated.
 - d. All visit rules, regulations (including procedures relative to limiting, denying, or terminating visits; rights throughout the process; rights to a prior hearing; rights to an adverse determination appeal; and periodic review), and hours shall be clearly posted in English and Spanish in the waiting and visiting areas of each institution.
4. The following guidelines are to be used when it has been determined that a visitor and/or inmate shall have their **access to visitation** restricted. When a visitor commits more than one offense, as described below, the cancellation, limitation, or denial of **access to visitation** should be based upon the most serious offense and penalty available. When the visitor has committed multiple offenses, the total amount of penalty days shall not exceed the amount authorized for the most serious offense.
 5. **An inmate's access to visitation may be restricted under exceptional circumstances in which the Chief of Department has determined that an inmate's unrestricted access to the public on the visit floor may pose a serious threat to the safety and security of the facility. The Chief of Department must provide written justification of those instances, and an inmate must receive written notice of the restriction, which shall in turn be provided to the Board.**
 6. **The following guidelines are to be used when it has been determined that a visitor and/or inmate commit a qualifying offense.**

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS AND DENIALS (Cont.)

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 10 OF 40 PAGES	

VISIT LIMITATION OR DENIAL GRID

	<u>Offense</u>	<u>1st Offense</u>		<u>2nd Offense</u>		<u>3rd Offense</u>	
		<u>Visitor</u>	<u>Inmate</u>	<u>Visitor</u>	<u>Inmate</u>	<u>Visitor</u>	<u>Inmate</u>
1	<u>Promoting Prison Contraband – (Weapons) Specifically scalpels, razor blades, hobby blades, or similar type of instrument. This includes the use of contraband (weapons) in any assault on any person (staff, inmate, and/or visitor)</u>	<u>Visitor loss of visit access with any inmate indefinitely</u>	<u>Inmate loss of contact visit for remainder of incarceration</u>	<u>Visitor loss of visit access with any inmate indefinitely</u>	<u>Inmate loss of contact visit for remainder of incarceration</u>	<u>Visitor loss of visit access with any inmate indefinitely</u>	<u>Inmate loss of contact visit for remainder of incarceration</u>
2	<u>Promoting Prison Contraband – (Narcotics or controlled substance) When a visitor or inmate is found to be in possession and/or is promoting narcotics or controlled substances, that visitor's right to visit any inmate in any facility shall be denied*</u>	<u>180 days</u> Visit cancellation with any inmate for the offending visitor	180 days Non-contact visits with any visitor	<u>365 days</u> Visit cancellation with any inmate for the offending visitor	<u>365 days</u> Non-contact visits with any visitor	<u>Offending visitor's loss of visit access with any inmate indefinitely</u>	<u>Inmate loss of contact visits for remainder of incarceration</u>
3	Possession of Contraband – (Electronic Devices & Prohibited Items) When a visitor is found to be in possession of this type of contraband, specifically, cell phones, cameras, pagers, tobacco related products, matches/lighters, etc. that visitor's right to visit any inmate in any facility shall be denied*.	180 days Visit cancellation with any inmate for the offending visitor	180 days Non-contact visits with any visitor	<u>365 days</u> Visit cancellation with any inmate for the offending visitor	<u>365 days</u> Non-contact visits with any visitor	<u>Offending visitor's loss of visit access with any inmate indefinitely</u>	<u>Inmate loss of contact visits for remainder of incarceration</u>

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 11 OF 40 PAGES	

4	<u>When a visitor or inmate, at any time during the visit process, assaults staff, an inmate, or another visitor, that person's right to visit shall be limited/denied</u>	180 days Visit cancellation with any inmate for the offending visitor	<u>180 days</u> <u>Non-contact visits with any visitor</u>	365 days Visit cancellation with any inmate for the offending visitor	<u>365 days</u> <u>Non-contact visits with any visitor</u>	<u>Offending visitor's loss of visit access with any inmate indefinitely</u>	<u>Inmate loss of contact visits for remainder of incarceration</u>
5	<u>When a visitor or inmate, at any time during the visit process, threatens or verbally abuses staff or another visitor or causes a disturbance that puts staff in imminent danger, that person's right to visit shall be limited/denied</u>	45 days Visit cancellation with any inmate for the offending visitor	<u>45 days</u> <u>Non-contact visits with any visitor</u>	90 days Visit cancellation with any inmate for the offending visitor	<u>90 days</u> <u>Non-contact visits with any visitor</u>	<u>365 days</u> Visit cancellation with any inmate for the offending visitor	<u>365 days</u> <u>Non-contact visits with any visitor</u>
6	<u>Any visitor or inmate who, at any time during the visit process, presents false ID or attempts to impersonate another person</u>	45 days Visit cancellation with any inmate for the offending visitor	<u>45 days</u> <u>Non-contact visits with any visitor</u>	90 days Visit cancellation with any inmate for the offending visitor	<u>90 days</u> <u>Non-contact visits with any visitor</u>	<u>365 days</u> Visit cancellation with any inmate for the offending visitor	<u>365 days</u> <u>Non-contact visits with any visitor</u>
7	<u>Any visitor or inmate, who, at any time during the visit process, fails to follow the instructions of staff (e.g., refusal to submit to security procedures) and thereby causes disruption of the visit process, shall have their right to visit limited/denied</u>	<u>45 days</u> <u>Visit cancellation with any inmate for the offending visitor</u>	<u>90 days</u> <u>Non-contact visits with any visitor</u>	<u>90 days</u> <u>Visit cancellation with any inmate for the offending visitor</u>	<u>180 days</u> <u>Non-contact visits with any visitor</u>	<u>365 days</u> <u>Visit cancellation with any inmate for the offending visitor</u>	<u>365 days</u> <u>Non-contact visits with any visitor</u>

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 12 OF 40 PAGES	

8	<u>Any visitor or inmate who, at any time during the visit process, is found to have stolen property, or who commits an act of vandalism while on Department of Correction property, shall have their right to visit any individual limited/denied</u>	90 days Visit cancellation with any inmate for the offending visitor	<u>90 days</u> <u>Non-contact visits with any visitor</u>	180 days Visit cancellation with any inmate for the offending visitor	<u>180 days</u> <u>Non-contact visits with any visitor</u>	365 days Visit cancellation with any inmate for the offending visitor	<u>365 days</u> <u>Non-contact visits with any visitor</u>
9	Any visitor or inmate who, <u>at any time during the visit process,</u> is found to be in possession of any item(s) considered contraband <u>that is not already addresses in Offenses 1-3 listed herein,</u> (e.g., food, beverages, gum, metro card), shall have their right to a visit in any facility <u>limited/denied</u>	30 days Loss of contact visits	30 days Non-contact visits with any visitor	60 days Loss of contact visits	60 days Non-contact visits with any visitor	1 year Visit cancellation with any inmate for the offending visitor	180 days Non-contact visits with any visitor
10	<u>Any visitor or inmate who is discovered, by means of credible intelligence, to plan or be planning to introduce prison contraband (weapons), specifically scalpels, razor blades, hobby blades, or similar type of instrument into a facility through the visit process shall have their right to a visit in any facility limited/denied</u>	180 days Visit cancellation with any inmate for the offending visitor	<u>180 days</u> <u>Non-contact visits with any visitor</u>	365 days Visit cancellation with any inmate for the offending visitor	<u>365 days</u> <u>Non-contact visits with any visitor</u>	Offending visitor's loss of visit access with any inmate indefinitely	<u>Inmate loss of contact visits for remainder of incarceration</u>

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 13 OF 40 PAGES	

11	<u>Any visitor or inmate who is discovered, by means of credible intelligence, to plan or be planning to introduce prison contraband (non-weapons), specifically narcotics or controlled substances into a facility through the visit process shall have their right to a visit in any facility limited/denied</u>	<u>90 days</u> <u>Visit cancellation with any inmate for the offending visitor</u>	<u>90 days</u> <u>Non-contact visits with any visitor</u>	<u>180 days</u> <u>Visit cancellation with any inmate for the offending visitor</u>	<u>180 days</u> <u>Non-contact visits with any visitor</u>	<u>365 days</u> <u>Visit cancellation with any inmate for the offending visitor</u>	<u>365 days</u> <u>Non-contact visits with any visitor</u>
12	<u>Any visitor or inmate who, at any time during the visit process, engages in sexual activity shall have their right to a visit in any facility limited/denied</u>	<u>180 days</u> <u>Visit cancellation with any inmate for the offending visitor</u>	<u>180 days</u> <u>Non-contact visits with any visitor</u>	<u>365 days</u> <u>Visit cancellation with any inmate for the offending visitor</u>	<u>365 days</u> <u>Non-contact visits with any visitor</u>	<u>Offending visitor's loss of visit access with any inmate indefinitely</u>	<u>Inmate loss of contact visits for remainder of incarceration</u>

* When a visitor is found to be in possession and/or is promoting narcotics or controlled substances, that visitor's right to visit any inmate in any facility shall be denied. An inmate will receive 180 days of non-contact visits if contraband is passed or attempted to be passed by the visitor to the inmate, or a visitor who is registered to visit an inmate is arrested for promoting prison contraband prior to the commencement of the visit.

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS AND DENIALS (Cont.)

F. VISITORS - ITEMS NOT PERMITTED IN ANY FACILITY, INCLUDING THE RIKERS ISLAND VISIT CONTROL BUILDING

1. To ensure the safety and well-being of staff, the inmate population, and visitors, illegal items and department-designated contraband are expressly prohibited. None of the following items may be brought into the Rikers Island Visit Control Building, jails on Rikers Island or Borough facilities, or any other facility including the Hospital Prison Wards:
 - a. Guns (including stun guns and zip guns), bullets, and imitation guns and bullets;
 - b. Illegal drugs;
 - c. Syringes;

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS AND DENIALS (Cont.)

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 14 OF 40 PAGES	

- d. Knives, imitation knives, box cutters, needles, razors, hobby blades, scalpels, scissors, any other sharp objects, brass knuckles, and any other weapons;
- e. Tools;
- f. Metal or glass objects;
- g. Padlocks;
- h. Nail clippers and fingernail files;
- i. Tobacco products and related paraphernalia including cigarettes, cigars, rolling paper, chewing tobacco, e-cigarette kits or devices, and pipes;
- j. Tape and other adhesives of any kind;
- k. Explosive devices;
- l. Matches and lighters;
- m. Electronic devices including cellular telephones, cellular telephone accessories, personal digital assistants, portable media players (including but not limited to iPods, MP3 Players, iPads, and E-Readers), pagers, laptops, cameras, recording devices, and radios;
- n. Law enforcement badges, equipment, or replicas of said items;
- o. Liquids and beverages, except two clear baby bottles;
- p. Gels;
- q. Metal hairclips and hairpins;
- r. Non-prescription medications;
- s. Non-prescription sunglasses;
No more than a total of three (3) books, newspapers, and/or magazines (except when included in an inmate package);
- t. Digital media (including, but not limited to, Compact Disc or DVD's);
- u. Photographs (except when included in an inmate package, although polaroid photographs and photographs that include pictures of the inmate are not permitted in an inmate package); and
- v. Chewing gum.

2. Visitors may bring prescription medication in its original container to the facility, which, except for life saving prescription medication (see Section III.H.3 below), must be stored in a facility locker and may not be brought to the facility visit floor.

G. DRESS CODE

1. The Department encourages inmate family members and friends, including children and the elderly, to visit inmates. To provide for the safety and security of staff, inmates, and visitors and to maintain a family friendly environment, visitors must wear appropriate clothing to visit inmates. Overly suggestive clothing and clothing in which contraband and non-permissible items can be

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS AND DENIALS (Cont.)

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 15 OF 40 PAGES	

secreted are not permitted. When meeting with the inmate, visitors may only wear a single layer of clothing (except those visitors required to wear a cover-up garment (see Section III.G.3 below)) and no accessories. Visitors shall not be permitted onto the facility visit floor wearing any of the following:

- a. Clothing with holes or rips that are located more than three (3) inches above the knee;
 - b. Hooded garments;
 - c. Hats and head coverings (excluding religious head coverings);
 - d. Clothing identifying a specific gang by name or logo;
 - e. Clothing that makes explicit reference to obscene language, drugs, sex, or violence.
 - f. Swimming attire;
 - g. See-through garments;
 - h. Uniforms;
 - i. Jewelry (excluding a wedding ring, a religious bead necklace, or one (1) religious medal no more than two (2) inches in diameter hung on a chain of a quarter inch or less in diameter and no longer than twenty-four (24) inches)
 - j. Tops, including dresses, exposing the chest, stomach, or back;
 - k. Shorts, skirts, or dresses with a hem that is more than three (3) inches above the knee; and
 - l. Outer garments including coats, shawls, ponchos, jackets, vests, gloves, or over boots or overshoes (outer boots or shoes that slip over other shoes).
2. Visitors must wear undergarments;
 3. Visitors whose attire violates the dress code will be permitted a contact visit if they agree to wear a cover-up garment provided by the Department. Department staff of the rank of Captain or above shall be responsible for determining whether a visitor is in violation of the dress code. Visitors who refuse to wear a cover-up garment provided by the Department shall be denied a visit. The procedures set forth in Section III.F of this policy shall apply to any such denial. The Visit Captain shall ensure:
 - a. There are a sufficient number of clean cover-up garments available for visitors at all times.
 - b. That the facility's stock of cover-up garments are stored within the facility's visit area.

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS AND DENIALS (Cont.)

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 16 OF 40 PAGES	

- c. Arrangements are made with the facility's Clothes Box Officer or other designated officer to ensure that all cover-up garments are laundered and returned back to the Visit Area after each usage.
- d. An effort is made to obtain additional cover-up garments from the central storehouse if a shortage of cover-up garments is anticipated.

H. VISITORS - ADDITIONAL ITEMS NOT PERMITTED ON FACILITY VISIT FLOOR

1. To ensure safety and security and to expedite access to the facility visit floor, unless specified above, visitors are not permitted to possess or wear any personal belongings other than a single layer of clothing when meeting with inmates. Secure storage lockers shall be provided at the facility. However, at Rikers Island Visit Control building, coin operated lockers are available for visitors to secure items not allowed in the facility. Visitors may not access the facility visit floor possessing any of the following:
 - a. Pocketbooks, purses, backpacks, knapsacks, waist pouches, diaper bags, or wallets;
 - b. Money or Metrocards;
 - c. Identification;
 - d. Keys, except a facility locker key;
 - e. Reading materials;
 - f. Toys;
 - g. Strollers;
 - h. Diapers (excluding the diaper worn by a baby);
 - i. Food and Candy; or
 - j. Beverages (excluding one clear plastic bottle for the baby).
2. Visitors are permitted to bring to the facility visit floor one baby blanket, one clear plastic baby bottle containing a non-alcoholic beverage, and one baby bib for the baby.
3. Visitors are permitted to bring to the facility visit floor only life-saving prescription medication such as an asthma pump or nitroglycerin. Visit floor staff shall secure all such life-saving prescription medication for the duration of the visit, give back the medication to the visitor as requested by the visitor for medical reasons, and return the remainder of the medication to the visitor at the conclusion of the visit. Other prescription medication may be brought to the facility but must be stored in the facility locker and may not be brought to the facility visit floor.

III. INMATE AND VISITOR ENTITLEMENTS, LIMITATIONS AND DENIALS (Cont.)

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 17 OF 40 PAGES	

4. Visitors are permitted to bring mobility aids such as walkers, wheelchairs, canes, and crutches to the facility visit floor. Other than wheelchairs, visit floor staff shall secure mobility aids, for the duration of the visit and return the aid to the visitor at the conclusion of the visit. Consistent with Operations Order 24/07, "Transporting Visitors with Disabilities," visitors in wheelchairs shall be permitted to use the wheelchair for the duration of the visit.

IV. THE VISIT PROCESS

A. INMATE VISITOR FACILITY ACCESS

1. Prospective visitors to all Rikers Island facilities shall first report to the Rikers Island Visit Control Building. Visitors arriving in private vehicles are required to park at the Queens Abutment and then use public transportation to the Visit Control Building. Prospective visitors to all borough facilities shall first report to the visit entrance.
2. Prior to the preliminary search, visitors to Rikers Island or borough facilities shall be afforded the opportunity to dispose of any contraband into a secured Amnesty Box pursuant to Directive 4525, "Amnesty Boxes."

B. SEARCH OF VISITORS - RIKERS ISLAND VISIT CONTROL BUILDING/ BOROUGH FACILITY VISIT ENTRANCE

Visitors shall be subject to search at any time within a correctional facility. This commences at the time of arrival to the Rikers Island Visit Control Building or borough facility visit entrance. Visitors will be subject to canine searches once they arrive to the Benjamin Ward Central Visit Building in compliance with the procedures in **Directive 4531R-B, "Canine Units (K-9)."** The Department shall include the visit search procedures and any other visit rules and regulations in an informational poster for visitors. These procedures shall also be prominently posted in all visit search areas.

1. Each visitor entrance shall be equipped with the following electronic security devices:
 - a. Walk-Through Metal Detector: The location of the walk-through metal detector must be carefully selected and any nearby metal objects must be stationary.

IV. THE VISIT PROCESS (Cont.)

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 18 OF 40 PAGES	

- b. Fluoroscope Machine: This device, also known as an X-ray or Line Scan machine, should be stationed in close proximity to the walk-through metal detector.
- c. Hand Held Metal Detector (**Transfrisker**): This detector shall be used when the walk-through metal detector indicates the presence of metal; the walk-through metal detector is not functioning; or at the discretion of the search officer.
- Note: When passing the hand-held metal detector over a visitor's clothing, it must be held no more than one-half (½) inch from the clothing of the person tested.
- d. It shall be the responsibility of the area supervisor to ensure that all electronic security devices are properly functioning.
- e. Staff assigned to any facility entrance/access (front gate, visits, etc.) shall search and inspect the bathrooms, lobby, and any other area where inmate details may have access to at least twice per tour and document such in the area logbook. Such searches shall also be conducted prior to any inmate work detail entering the area.
2. Each visitor shall be subject to an electronic search involving a walk-through metal detector.
- a. Visitors shall be asked to remove all metal items from their clothing prior to participating in a walk-through metal detector search.
- b. Removed metal items shall be placed in a container where they shall be observed and inspected by the search officer.
- c. Handbags, briefcases, containers, and packages shall be physically searched as well as inspected via the fluoroscope machine.
- d. Items (other than electronic devices) which are not permitted in the facility but the possession of which does not constitute a criminal act shall be returned to the visitor who shall be directed to place such items in a locker. Under no circumstances shall visitors be permitted to enter Department facilities with electronic devices. A visitor arriving with such items shall be given the opportunity to secure them in the designated area or, **only if visiting a borough facility**, deposit them in the amnesty box and continue with the visit process or to depart the facility.

IV. THE VISIT PROCESS (Cont.)

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 19 OF 40 PAGES	

- e. Items whose possession constitutes a crime shall not be returned and shall be transferred to the proper authorities. Upon the discovery of such items, existing Department procedures relating to the detention and subsequent arrest of the visitor shall be followed and the visit denied in accordance with Section III.F of this Directive.

C. Pat Frisk Searches of Visitors

If a visitor has been checked with a metal detector and staff reasonably believes further inspection is necessary to preclude the introduction of contraband (e.g., the triggering of the metal detector, a suspicious bulge in the visitor's clothing, confidential information, or visitor's documented history of attempting to bring in contraband), the following actions shall be taken:

1. The staff member shall immediately notify the area supervisor, who shall evaluate the situation to determine if further inspection for contraband is warranted. If the cause for further inspection is a suspicious item on the visitor's person, the visitor should be given an opportunity to remove it or forego the visit, prior to further action.
2. If the Area Supervisor determines that further inspection is warranted, he/she shall notify the Commanding Officer (or his/her designee) and, if given approval by the Commanding Officer, shall give the visitor a copy of Form 439, "Search Consent Report" (Attachment B). The reason for the **visitor pat frisk** shall be entered on Form 439 by the Area Supervisor who shall also verbally inform the visitor of the following:
 - a. A **visitor pat frisk search** shall be required prior to the visitor having a contact visit with the inmate and the reason for the search;
 - b. The nature of a **pat frisk search** (a description of the search procedure is also printed on the back of Form 439);
 - c. The visitor may refuse to be pat frisked and may be denied a contact visit for that day and offered a non-contact visit instead. If the visit Captain determines, in accordance with BOC Minimum Standards, that a non-contact visit would still constitute a serious threat to the safety and security of the institution, the visitor may be denied a visit entirely in accordance with Section III.F of this Directive; and
 - d. That refusal of a **visitor pat frisk search** shall result in a non- contact visit unless:

IV. THE VISIT PROCESS (Cont.)

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 20 OF 40 PAGES	

- i. The Commanding Officer (or designee) deems it that the visit be denied entirely for security reasons based on reliable confidential information or the presence of a suspicious bulge in the visitor's clothing; or
- ii. A Metal Detector Search has indicated the presence of a metallic object on the visitor and the visitor does not consent to the pat frisk,

Note: In such cases the visit will be denied entirely in accordance with Section III.F of this Directive.

3. If the visitor consents to a pat frisk search, the area supervisor shall check the appropriate box on Form 439 and obtain the visitor's signature on the form prior to conducting the pat frisk search.
 - a. If a **pat frisk search** of a visitor under sixteen (16) years of age is necessary, the signatures of the adult accompanying the minor and the minor (if able to write) should be obtained. The results of the **pat frisk search** shall then be entered on the form and the form signed by the Area Supervisor. A copy of the form shall be given to the visitor. The original copy of the form shall be placed in a file maintained by the Deputy Warden for Programs. A copy of this form shall also be placed in the inmate's institutional folder.

Note: If contraband is found, a copy of the form shall also be forwarded to the Deputy Warden for Security.

4. Before the **visitor pat frisk search** is conducted, the visitor shall be informed by the visit supervisor that, if he/she consents to the **visitor pat frisk search** and the search finds dangerous contraband such as illegal drugs or weapons, the visitor shall be arrested.
5. Also, prior to the **visitor pat frisk search**, the visitor shall be provided with the up-to-date list of what the Department considers to be dangerous contraband. If the visitor cannot read, the list shall be explained **verbally** to the visitor by the visit supervisor with the assistance of a translator if needed. The visitor shall then be given the choice of:
 - a. Agreeing to the **visitor pat frisk** search;

IV. THE VISIT PROCESS (Cont.)

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 21 OF 40 PAGES	

- b. **Not being allowed a contact visit and having a non-contact visit instead;** or
- c. Not visiting at all and exiting the facility.
6. Visitors choosing not to visit shall be permitted to leave freely without further searches or questioning. Alternatively, if the visitor voluntarily surrenders any contraband items in their possession, they may be permitted to visit after passing a **visitor pat frisk search** (provided the possession of any voluntarily surrendered item does not constitute a criminal offense).
7. If the **visitor pat frisk search** results in the discovery of contraband, the Tour Commander shall be notified. If the Tour Commander determines that an arrest is warranted, he/she shall notify the Department Officer of the Day (OD) via the Central Operations Desk (COD) for authorization.
- a. In all cases where contraband is discovered, whether an arrest is made or not, the contact visit shall be terminated in accordance with Section III.F of this Directive and copies of Form 143R shall be prepared and distributed as follows:
- i. Original to Inmate's Folder;
 - ii. Copy to Commanding Officer of SOD;
 - iii. Copy to Deputy Warden for Programs (inmate's facility);
 - iv. Copy to Inmate;
 - v. Copy to Visitor;
 - vi. Copy to Deputy Warden for Security (only if contraband found).
- b. If an arrest is not made and the visit is not denied pursuant to Section III.F of this Directive, the visit supervisor shall secure the contraband and a **non-contact visit** shall be arranged instead of a contact visit.
8. The **pat frisk search** of the visitor shall be conducted in a dignified manner, in an area away from public view, under the supervision of the visit supervisor, by an officer other than the regular search officer, and by an officer who is of the same gender as the visitor. **A visitor pat frisk search includes inspection of the visitor's head, neck, arms, torso, legs, and feet. This includes sensitive areas such as the chest, groin, and buttocks, and may also include head coverings. The officer conducting the visitor pat frisk search shall advise the visitor of each pat frisk search procedure when conducting the pat frisk search, giving verbal cues that aid the visitor's**

IV. THE VISIT PROCESS (Cont.)

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 22 OF 40 PAGES	

understanding of each action just before it occurs, minimizing surprise. Proper visitor pat frisk search procedures require sufficient pressure to ensure detection and areas may undergo a pat frisk search more than once in order to confirm no contraband items are detected. The remaining visitors shall continue to be processed simultaneously while the visitor pat frisk search is being done so as not to interrupt the processing of other visitors.

- a. The visitor pat frisk search is conducted by patting the outer clothing over the entire length of the visitor's body and examining the seams and pockets of the visitor's clothing. During the search, the visitor may be required to remove their outer garments, coat, hat, shoes, and belt. The visitors skin shall be touched only at the shirt-sleeves and collar. The visitor may be required to lift, raise, or adjust their clothing for a visual inspection (e.g., lift pant legs to show ankles or unfurl a cuffed pant hem). The visitor will not be asked to remove or lift any article of clothing that would expose a sensitive area. The visitor shall be required to run their fingers through their hair under the observation of a Correction Officer in order to ensure that weapons or other contraband are not secreted in the hair. At the discretion of the officer, a transfrisker may be used to check for contraband in the visitor's hair.
- b. Prior to beginning the visitor pat frisk search, the Correction Officer shall instruct the visitor to remove all contents from their pockets (turning and leaving their pockets inside out) and to untuck their shirt from their waistband, if necessary.
- c. To perform the visitor pat frisk search, the Correction Officer stands behind the visitor and instructs the visitor to raise their arms in a T-shape turning their palms upright. The Correction Officer then turns the visitor's collar upright and utilizes their index finger, middle finger, and thumb in a swiping motion across the outside of the collar, and fingers across the shoulder blades. The Correction Officer uses the back of their palms in a downward motion across the visitor's back area. Next, the Correction Officer runs their hands across the top of the visitor's arms, comes back under the visitor's arms to the armpits and down the visitor's sides to the waist. To pat frisk search the visitor's waist, the Correction Officer uses the index finger, middle finger, and thumb in a swiping motion around the outside of the visitor's waistband, and uses the back of the palms in

IV. THE VISIT PROCESS (Cont.)

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 23 OF 40 PAGES	

a downward motion over the outside of pocket area. For the legs, the Correction Officer should use one hand in a bladed motion from the ankle up the inside of one leg to and including the crotch (or groin area) and in a downward motion from the crotch (or groin area) to the ankle of the other leg. Then the correction officer should use the palms of both hands in a downward parallel motion on the outsides of the visitor's legs.

- d. **The Correction Officer moves and stands in front of the visitor and instructs the visitor to raise their arms in a T-shape turning their palms upright. The Correction Officer uses the sides of their hands in a tear drop motion along the chest cavity. A search for foreign objects in the chest area may require a single downward motion using the back of the palm to the chest area. The Correction Officer may instruct a female visitor to grasp and lift the bottom seam of a bra away from the visitor's body from the outside of the visitor's outer garment. This action does not require the visitor to lift the outer garment in a manner that would expose the visitor's torso.**
- e. **At no time during the visitor pat frisk search is the Correction Officer to insert fingers into any body orifice, or have prolonged contact with a visitor's breasts, groin, or buttocks.**
- f. In conducting a **visitor pat frisk search**, officers shall strive to preserve the dignity of the visitor being searched.

Note: Should a female visitor wearing a skirt consent to a **visitor pat frisk search**, but because of the nature of the skirt an effective **visitor pat frisk search** is impossible, **the visitor shall be given a non-contact** visit unless the visit is denied entirely for other reasons in accordance with departmental policy.

9. If the pat frisk search does not adequately resolve the Area Supervisor's concerns about the possible introduction of contraband, a contact visit may still be denied in accordance with Section III.F of this Directive and a non-contact visit substituted, provided that:
- a. The Area Supervisor explains the reasons for the decision in the "remarks" section of Form 439 and in Section III of Form 143R; and

IV. THE VISIT PROCESS (Cont.)

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 24 OF 40 PAGES	

b. The Tour Commander concurs with the decision and signs both the Form 439 and the Form 143R.

10. If the visitor refuses to consent to a **pat frisk search**, the Area Supervisor shall check the appropriate box on Form 439 and obtain the visitor's signature. The Area Supervisor will then sign the form and give a copy of the form to the visitor. The original shall be forwarded to the office of the Deputy Warden for Programs who shall maintain a centralized file for such forms. A copy of the form shall also be placed in the inmate's institutional folder. The visitor will then be provided a non-contact visit with the inmate unless the visit is denied entirely pursuant to the preceding paragraph.

Note: If a non-contact visit is denied, the reason for the denial shall be entered in the "remarks" section of Form 439. If a **metal detector search** has not indicated the presence of a metallic object but a non-contact visit has still been denied, the Commanding Officer (or designee) shall sign the form.

11. Searching Headwear of Religious Significance or Religious Beaded Necklaces
- a. If a visitor is wearing headwear of religious significance and/or religious beaded necklaces, the headwear and/or religious beaded necklaces shall undergo a security inspection by passing a hand-held metal detector over the garment while it is being worn. After passing through the metal detector and the hand-held metal detector, a visitor wearing religious beaded necklaces may be asked to lift the necklaces without removing them, in order to show staff that there is no contraband stored in or around the necklaces. The headwear may also be subject to an ION Scan Search with prior consent from the visitor. If the hand held metal detector indicates the presence of metal, a positive ION Scan is noted, or there is a reasonable belief that further inspection is necessary to preclude the presence of contraband, the visitor will be required to consent to a pat frisk search by completing Form 439 or be subject to a booth visit. During the pat frisk search of the individual's body in accordance with the procedures delineated in Section IV, a further inspection of the headwear or the religious beaded necklaces may be conducted as prescribed below.

IV. THE VISIT PROCESS (Cont.)

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 25 OF 40 PAGES	

- b. If an individual is subject to a consented pat frisk as described in Section IV.C.11.a., and the visitor is wearing either religious headwear or a religious beaded necklace, the following procedures will be followed.
- i. If the visitor signs Form 439, the visitor shall be escorted by an officer of the same sex as the visitor to a pat search area and asked to remove the headwear at which time the officer will inspect the headwear for contraband without touching the headwear. If the visitor is wearing religious beaded necklaces, the visitor will not be required to remove the necklaces while an officer visually inspects the necklaces for contraband without touching. The visitor may be asked to manipulate the religious necklaces or headwear in a manner satisfying to the officer that there is no presence of contraband. At the conclusion of the inspection, if the visitor was asked to remove the headwear, the visitor shall be given reasonable time to replace the headwear before leaving the private area;
 - ii. If the visitor refuses to sign the consent form, the visitor can be provided with a booth visit. If the visitor declines a booth visit, facility access shall be denied.

D. Ion Scan Searches

An Ion Scan search is a search in which a drug and explosives detection device is passed over, and may come into contact with, an individual's hand, area of clothing, footwear, personal items, purses/handbags, packages, correspondence, or any other article that may retain traces of illicit substances. Each visitor entering a Department building may be subjected to an Ion Scan search in addition to the routine visitor processing.

1. All visitors are subject to undergo an Ion Scan search.
2. Ion scan searches shall be performed in accordance with Directive 4530, "Ion Scan Searches," to avoid impeding the administrative processing of visitors.
3. In any instance where a visitor's headwear of religious significance (e.g., kufi, yarmulke) is to be the subject of an ION Scan search, the area supervisor shall note the reason for the ION Scan Search on Form 439 and Form 143R. Copies of the forms shall be disseminated and filed accordingly.

E. VISITOR EXPRESS

IV. THE VISIT PROCESS (Cont.)

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 26 OF 40 PAGES	

1. All visitors to a Department facility shall have the option to enroll in the Visitor Express computer system. The enrollment shall include: computer scanning of the visitor's identification, photographing the visitor, and collecting the visitor's fingerprints using the biometric reader device. The Registration Officer shall attempt biometric registration and the officer shall explain to the visitor that submitting to fingerprinting will result in speedy registration for future visits. If the visitor refuses to be fingerprinted, the Registration Officer shall immediately notify the visit supervisor. The Visit Supervisor shall attempt to persuade the visitor to provide fingerprints.

Note: Returning visitors shall only have to press their fingers on the biometric fingerprint reader. Once the fingerprints are read and identified, the computer will display the visitor's necessary information. If the visitor refuses to provide fingerprints, it will be necessary for the officer to scan the returning visitor's Identification to locate the visitor's information.

2. If all attempts to obtain the fingerprints fail, the Visit Supervisor shall override the fingerprint requirement in the Visitor Express application, noting that the visitor refused to be fingerprinted and then enrollment shall proceed. In addition, if the biometric reader is inoperable, the Visit Supervisor shall override the fingerprint requirement in the Visitor Express application noting that the equipment is inoperable. In either instance, the visitor shall be processed manually.
3. Once the visitor has been properly registered, the Visitor Express shall create a Visitor Express Ticket which includes a photo of the visitor and a unique barcode. In such cases, the Visitor Express Ticket shall be scanned by Department staff in lieu of the Visit Process Form.
4. The Visitor Express Application shall also automatically make all required notifications in relation to the visit. No additional notification from staff is required.

Note: If Visitor Express is not working, staff shall immediately notify the help desk and obtain a ticket number for assistance and then revert to manual procedures.

F. MANUAL PROCESS

IV. THE VISIT PROCESS (Cont.)

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	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 27 OF 40 PAGES	

Upon entry into the Rikers Island Visit Control Building or borough facility visit entrance, all visitors (whether this is their first or subsequent visit) shall be instructed to form a line at the appropriate facility's reception/registration desk for the purpose of pre-registration.

Note: At the Rikers Island Visit Control Building, each registration desk shall be clearly marked by facility name. If the visitor requires further information or an interpreter, he/she shall be directed to the "General Information" (GI) desk.

1. At the borough facilities, visitors shall line up in front of the registration desk. At Rikers Island, visitors shall line up in front of the registration desk designated for the intended facility. The reception officer shall time-stamp and issue the sequentially numbered Visit Processing Form (Digital Form).
2. Visitors may either take this form to the provided writing surface to complete or fill it out while waiting on line. Visitors shall then complete the upper portion of the Visit Processing Form (including name, address, relationship, inmate's name and location, if known). Visitors requiring assistance in the preparation of this form shall be assisted by the reception officer.
3. Upon completion of the forms, visitors shall return to the end of the line. Since the time needed to complete this form will not vary greatly among all visitors, the reception officer shall pre-register visitors in the order the Visit Processing Form was issued. The reception officer shall verify the inmate's presence in the facility by checking the Department's Inmate Information System (IIS) computer terminal at the facility registration desk. If the inmate does not appear on the IIS computer terminal, the visitor shall be directed to the GI window. Borough facility visitors shall be directed to the General Office (GO) window.
4. The officer assigned to the desk shall initiate a trace of the inmate's location. The desk officer shall make sure that all identifying information (name, aliases, book and case number, date of birth, etc.) provided by the visitor is accurate and correctly entered into the IIS computer system. If the IIS computer cannot locate the inmate in the computer record, the desk officer shall call the GO of the last facility where the inmate was housed and obtain the information from the inmate's custody records.
5. The desk officer shall obtain and provide to the visitor the current location and custody status of the inmate, including the name of the facility to which the inmate has been transferred, the address location of the facility, and directions

IV. THE VISIT PROCESS (Cont.)

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 28 OF 40 PAGES	

on how to get there; or if the inmate has been discharged, the date of the inmate's release and the place from which the inmate was released (e.g., AMKC, Bronx Supreme Court, etc.). This verified information shall be provided to the visitor to assist the visitor in finding the inmate.

Note: If the inmate is still in custody on Rikers Island, the GI desk officer shall direct the visitor to the correct visit reception desk in the Visit Control Building.

6. The reception officer shall examine the Visit Processing Form for accuracy and completeness then return the copy to the visitor. This copy shall remain in possession of the visitor throughout the visit process and shall serve as a reference to identify the visitor at any given time. Visitors to Rikers Island shall then await transportation to the appropriate facility.

G. NOTIFICATION PROCESS

1. After giving the visitor the copy of the Visit Processing Form/Visit Express Ticket, the reception officer shall immediately notify by telephone the appropriate facility's assigned notification officer. Batching of visiting processing forms will delay the notification process and must be avoided. The reception officer shall supply the notification officer with the inmate's name, NYSID number, book and case number, location, and the visitor name(s) as indicated on the Visit Processing Form/Visit Express Ticket.
2. The assigned notification officer shall notify the appropriate housing officer by telephone that the inmate has visitors. If the inmate cannot be immediately located, the next inmate shall be notified to avoid unnecessary delays.

In order to locate inmates promptly, the housing area officer shall refer to his/her out-count list. The housing area officer shall notify the officer assigned to the appropriate area of the inmate's waiting visitor. The area officer shall immediately notify the inmate of the waiting visitor. The officer shall ask the inmate whether or not the inmate chooses to interrupt his/her activity to go to the visit immediately, or if not, whether the inmate chooses to begin the visit after the activity is over.

3. The officer shall promptly notify the housing officer of the inmate's decision.
4. When the inmate has been located, the housing officer shall notify the notification officer who shall notify the visitor of the delay and the approximate length of the delay before the inmate will reach the visit floor.

IV. THE VISIT PROCESS (Cont.)

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	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 29 OF 40 PAGES	

5. Once the inmate has been notified and agreed to see the visitor, the inmate shall proceed to the designated visit clothing exchange room.
6. The Notification Officer must immediately be notified by the Visit House Inmate Search Officer when the inmate arrives at the visit house. If the inmate does not arrive for the visit within thirty (30) minutes, the visit supervisor shall be notified by the notification officer and initiate a follow-up procedure. The visitor shall be kept informed of efforts to locate delayed inmates and be told the reasons for delay by the visit supervisor.
7. The visit supervisor shall ensure that the notification officer again contacts the housing officer to determine the reason for the delay of the inmate's arrival at the visit house.
8. All inmates shall be required to change into a jumpsuit and slippers prior to participating in a visit. Inmates shall not be permitted to wear any article of personal clothing under the jumpsuit (except for underclothing).
 - a. In an effort to distinguish and closely monitor Red ID and Intended Contraband Recipients (ICR), such inmates shall be issued neon/lime green jumpsuits to be worn during their visit. Under no circumstances shall a Red ID Card or ICR inmate be permitted on the visit floor without a neon/lime green jumpsuit.
 - b. Inmates shall deposit their clothing and personal effects in a mesh basket issued by the clothing exchange officer who shall issue a numbered tag corresponding with the number on the basket. These items shall be retrieved at the conclusion of the visit by using the issued tag to identify the proper inmate. The inmate's identification card shall be stored in numbered slots provided in sequence with the tags issued for the clothing baskets.

H. VISITOR TRANSPORTATION TO RIKERS ISLAND FACILITIES

1. Each Rikers Island facility shall have its own visit shuttle bus(es) and driver(s) operating between the Visit Control Building and the facility's visit house. When the visit bus arrives at the Visit Control Building, the Reception Officer, without delay, shall announce the arrival of the bus over the public address system and call visitors sequentially by form number and direct them to the appropriate bus (for example: "Visitors for the Anna M. Kross Center with forms numbering 0500 to 0525 please walk out to the bus with the sign AMKC."). The bus driver

IV. THE VISIT PROCESS (Cont.)

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	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 30 OF 40 PAGES	

shall inspect the visitor's copy of the Visit Processing Form/Visit Express Ticket to ensure that the visitor is on the right bus.

2. The Reception Officer shall give the bus driver the original of the Visitor Processing Form/Visit Express Ticket for delivery to the visiting facility.
3. Upon arrival at the facility, the bus driver shall supervise the visitors' exit from the bus and ensure that all visitors enter into the visit house entrance. As the visitors enter the facility, the facility code of the day shall be stamped (in invisible ink) on the back of each visitor's left hand. The bus driver shall deliver to the Entrance Officer copies of the Visit Processing Forms/Visit Express Ticket. The entrance officer shall time-stamp/scan each Visit Processing Form/Visit Express Ticket to indicate the time of arrival to the facility and shall deliver the forms to the registration officer.
4. The Facility Visit Processing Officer shall announce the bus' departure for the return trip to the Visit Control Building, board all departing visitors, and return immediately and directly to the Visit Control Building. At the Visit Control Building, the bus driver shall discharge all departing visitors.
5. The bus driver shall then repeat the process of delivering arriving visitors to the facility visit house and returning departing visitors to the Visit Control Building.

I. VISIT REGISTRATION

1. The Registration Officer shall call the visitors in numerical order (e.g., 0500, 0501, 0502, etc.). Visitors shall be allowed to register only if the inmate is present in the facility.
 - a. Rikers Island Visitors: If the visitor has arrived at the wrong facility, the correct facility shall be noted on the form and arrangements shall be made for transportation to the Rikers Island Visit Control Building for re-processing.
2. Identification
 - a. For each visit, every person sixteen (16) years of age or older must present one form of valid identification that contains a distinguishable photograph and signature. Individuals under the age of sixteen (16) may visit if accompanied by a properly identified adult at least eighteen (18) years of age. The adult accompanying an individual under the age of

IV. THE VISIT PROCESS (Cont.)

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	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 31 OF 40 PAGES	

sixteen (16) shall provide the visit registration officer the name, date of birth, and gender of the child.

- b. Valid identification must be unexpired, verifiable, unaltered, include a distinguishable photograph and signature, and be one of the following:
 - i. Drivers License with photo and signature (from any state or territory in the United States);
 - ii. Resident Alien Card or Permanent Resident Card issued by the United States Department of Justice (e.g., Green Card);
 - iii. Passport from any nation;
 - iv. School identification (from any state or territory in the United States);
 - v. Employment identification card (from any state or territory in the United States);
 - vi. New York State Benefits Identification Card (e.g., medicaid/food stamp photographic identification);
 - vii. United States Armed Services identification card;
 - viii. New York State Department of Motor Vehicles Non-Drivers License Identification Card (from any state or territory in the United States);
or
 - ix. Consulate issued identification or Diplomatic identification.
 - x. New York City ID Card
- c. A sixteen (16) or seventeen (17) year old with valid identification may accompany a child under the age of sixteen (16) if he or she is the parent of that child and the inmate being visited is also the parent of the same child. In this case, the sixteen (16) or seventeen (17) year old must produce a birth certificate for the child under the age of sixteen (16).
- d. The Registration Officer shall consult with the Visit Supervisor regarding any issues involving a visitor's age or identification.

IV. THE VISIT PROCESS (Cont.)

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	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 32 OF 40 PAGES	

3. Visitors must sign their name on a visit registration card in invisible ink. These cards are to be kept confidential and information therein is not to be communicated to non-departmental persons. Visitors under the age sixteen (16) must have the card completed by their guardian.
4. After the visitor is registered, the registration officer shall forward the Visit Processing Forms/Visit Express Tickets to the visit observation officer.

J. MONEY AND PACKAGES

1. Persons who are not visiting but who have money or packages for inmates must deposit the money or packages at the windows dedicated for receipt of these items.

Note: For Rikers Island visitors, these windows are located at the Rikers Island Visit Control Building.
2. Visitors with money or packages for an inmate shall deposit these at the facility itself prior to visiting.
3. To avoid delay and the necessity of visitors having to wait on two (2) different lines, each visit area shall have at least one (1) line dedicated for funds and packages and at least one (1) line for funds only. These lines shall be clearly marked in English and Spanish to minimize confusion and delays.
4. Money: Visitors may deposit cash, teller's checks, or money orders for inmates. Personal checks shall not be accepted. The employee designated to receive funds shall record all monies in the appropriate receipt book and ensure that one (1) receipt is issued to the visitor and one (1) receipt remains in the receipt book. The visitor shall give the receipt to the inmate during their visit. Inmates must retain their own receipts for record purposes.
5. Packages: Visitors may deposit packages for inmates during visiting hours. Clothing for a court appearance on the following day may be delivered to the facility's main entrance during non-visiting hours between 0800 hours and 2100 hours and at any additional hours deemed appropriate. Handout leaflets with the listing of permissible items specified in Directive 4508R-D, "Control of and Search for Contraband" (or it's successor), shall be made available to all visitors.
6. Package Inspection

IV. THE VISIT PROCESS (Cont.)

NEW MATERIAL BOLD AND UNDERLINED

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 33 OF 40 PAGES	

- a. The package room officer receiving packages shall remove all items from their original containers and search all items for contraband. The package room officer shall then fluoroscope the items and place all articles in a new paper bag. Then they shall complete the Clothing Receipt and give one (1) copy to the visitor and attach two (2) receipts to the bag. The searched package shall then be brought by the staff member assigned to the Package Room to the inmate at the conclusion of the visit.
- b. The Package Receipt forms shall be signed in duplicate by the inmate who shall keep the original. The duplicate shall be maintained in a separate file in the Package Room.
- c. Persons delivering packages who choose not to visit shall deposit packages at the package receipt area of the Facility (Borough Inmate Visitors) or Visit Control Building (Rikers Island Inmate Visitors). The package room officer shall deliver these packages to the facility package room for delivery to inmate at the conclusion of the registration period. All packages shall be delivered to the inmate on the same day of its delivery to the facility unless a lawful warrant is obtained. Packages for inmates who have a court appearance on the following day shall be delivered as soon as possible on the same day received.
- d. In the course of inspection of such clothing for contraband, the clothing may be ripped, torn, or cut only as a last resort after all alternate means for inspection have been exhausted and such alternate means cause the officer to have reasonable suspicion that contraband has been concealed in the clothing. Ripping, tearing, cutting, or otherwise damaging clothing must first be authorized in writing in advance by the visit supervisor or higher ranking officer based on their personal inspection of the clothing and assessment (also explained in writing) that there is reasonable suspicion to believe contraband is concealed in the article of clothing. Where ripping, tearing, or cutting of clothing is authorized, said clothing shall be taken apart in the least destructive manner required to accomplish the inspection found to be necessary.
- e. In each case where clothing is ripped, torn, or cut and not lawfully retained, the visit supervisor shall ensure that all items are repaired and promptly delivered together with a copy of the written authorization which permitted the item to be ripped, torn, or cut to the intended inmate.
- f. A written record shall be kept of each search that describes:

IV. THE VISIT PROCESS (Cont.)

- i. The property that was searched;

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	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 34 OF 40 PAGES	

- ii. The specific reasons or suspicions for doing the search;
 - iii. How the search was accomplished and by whom;
 - iv. The alternate means of searching which were exhausted before permission to rip, tear, or cut clothing was granted;
 - v. Any items found in the search; and
 - vi. The final disposition of the clothing and all items found.
- g. A copy of this record shall be given to the inmate whose property was searched.

h. Eyeglasses

1. **Visitors may bring eyeglasses for inmates. The eyeglasses must be for reading or be prescribed; lenses cannot be tinted or transition; and frames must be generic – no designer frames (e.g., Gucci, Prada, Louis Vuitton, etc.).**

- A. **However, Department Medical Staff may authorize an inmate's use of tinted or transition lenses.**

2. Visitors bringing eyeglasses for an inmate must surrender the eyeglasses to the package room officer receiving packages in its own package. Staff shall provide the visitor with a receipt for the eyeglasses.

3. **For eyeglasses with clear lenses that reasonably appear to correct vision (e.g., they are blurry when someone with normal vision looks through them), the package room officer shall verify that the glasses are authorized in accordance with Directive 4508R-E, "Control of and Search for Contraband".**

4. **For tinted eyeglasses, the Visit Supervisor shall ensure the eyeglasses are promptly delivered to Medical for verification that they are prescription eyeglasses in accordance with Directive 4508R-E. This shall be done the same day, or if it is a weekend/holiday, on the next business day.**

- A. Additionally, Mental Observation inmates shall require verification from Mental Health that it is safe for the inmate to possess eyewear.

IV. THE VISIT PROCESS (Cont.)

5. Once the eyeglasses have been verified as prescription eyeglasses, the Department **shall inspect them in accordance with Section**

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	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 35 OF 40 PAGES	

IV.J.6 and ensure the inmate receives the eyeglasses provided the inmate is not already in possession of another pair.

6. If the inmate already has an authorized pair of eyeglasses or if the eyeglasses delivered by the visitor are not prescription eyeglasses, those eyeglasses shall be placed with the inmate's property and the inmate shall receive a receipt for such.

Note: If the eyeglasses delivered by the visitor are prescription eyeglasses but the inmate already has an authorized pair of eyeglasses, the inmate may choose which pair of eyeglasses to store with their property.

7. **Outgoing Packages:** Inmates who wish to send clothes home via the visit process may do so by bringing clothing item(s) with them when called for a visit. The visit search officer shall search the items for contraband (City property, etc.). Approved items shall be placed in a paper bag by the visit search officer with the inmate's name and book and case number on the bag. The package room officer shall issue outgoing packages to the visitor after the visit but prior to exit from the visit house and ensure that the visitor signs for the package left by the inmate.

K. SEARCH OF VISITORS/FACILITY VISIT AREA

Visitor searches shall be conducted as follows:

1. Upon entering the Visit Area prior to registration, all visitors shall be stamped with a non-reversible character on the back of the left hand using fluorescent ink. This hand stamping shall be performed whether or not the visit actually takes place.
2. After registration, each visitor shall be directed to place any personal items (coats, sweaters, purses, etc.) in lockers provided for that purpose. Visitors shall retain the locker key. Upon completion of the visit, visitors shall retrieve their personal property from the locker.
3. Prior to the visitor(s) entering the Contact Visit Room, search procedures outlined in Section IV.A - D shall be adhered to.

L. THE VISIT

IV. THE VISIT PROCESS (Cont.)

1. Upon completion of the search process, visitors shall enter the visit waiting area. Visitors may sit in the visit room if space allows. When both visitor and

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	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 36 OF 40 PAGES	

inmate are seated together, the observation officer shall time-stamp/scan both copies of the Visit Processing Form/Visit Express Ticket.

2. **Physical contact shall be permitted between every inmate and all of the inmate's visitors. Permitted physical contact shall include a brief embrace and kiss between the inmate and visitor at both the beginning and end of the visitation period. Inmates shall be permitted to hold children in the inmate's family who are ages fourteen (14) and younger throughout the visitation period. However, the Department may limit an inmate's holding of children to one child at a time. Additionally, inmates shall be permitted to hold hands with their visitors throughout the visitation period, which the Department may limit to holding hands over a partition that is no greater than six (6) inches. These provisions are not applicable to inmates housed in a contagious disease unit for medical reasons or for inmates designated for non-contact visits.**
3. During visits, inmates and visitors shall be required to abide by the following rules:
 - a. Inmates and visitors shall remain seated with hands above the tables.
 - b. No exchange of items are permitted without prior approval.
 - c. At the completion of the visit, the visitor(s) shall remain seated until the inmate has departed the area.
4. The contact visit observation officers shall patrol the Visit Room to ensure that the rules are enforced and that no contraband is introduced into the facility or given to any inmate. At the completion of the visit, the observation officers shall direct the inmates to the appropriate area for search and clothing change. Visitors shall be directed to the proper exit and required to display the stamp of the day on their left hand prior to exiting the contact area.
5. Non-contact visits shall take place in the Visit Booth Area of each facility during the regularly established visiting hours. Both inmates and visitors shall undergo the same registration and search procedures as prescribed for contact visits.

M. VISITOR EXIT PROCEDURES

IV. THE VISIT PROCESS (Cont.)

1. Prior to visitors exiting from the visit house, the officer assigned to the visit house entrance gate shall inspect the hand stamp code of each visitor with the use of the ultraviolet light. If an exiting visitor displays a hand stamp with a

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	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 37 OF 40 PAGES	

wrong code, a code that is smudged or distorted, or no stamp at all, the individual in question shall be detained and immediate notification shall be made to the visit supervisor who shall conduct an immediate investigation to determine the proper identity of the individual (if the individual has been identified as an inmate, the Tour Commander shall be notified and take appropriate action).

- a. At all Rikers Island facilities, after visiting, visitors shall await the arrival of the bus in the designated facility waiting area.
2. The entrance officer shall then time-stamp/scan the original and the copy of the Visit Processing Form/Visit Express Ticket for the last time. The copy shall be given to the visitor and the original shall be filed in the facility visit record file.
3. In addition, all Rikers Island facility visit buses shall be equipped with a portable black light. The visit bus driver shall check the hand stamp with the black light as each visitor boards the bus and again when exiting the bus at the Visit Control Building.

N. INMATE SEARCH

Upon completion of a visit, the inmate shall be directed to the inmate Visit Search Room where he/she shall be required to undergo a "Strip Search **without** a Visual Body Cavity Search." A Strip Search without a Visual Body Cavity Search is a visual inspection of the armpits, oral cavity, ears, nose, navel, and hair while the inmate is undressed. This search shall not involve visual inspection of an inmate's anal or genital cavity, require the inmate to spread his/her buttocks, or lift his/her genitals or breasts. This inspection may involve directing the inmate to perform a deep knee bend in order to expel any contraband that may be secreted in the anal or genital cavity. This may also include conducting a search of the inmate's worn apparel (possibly including the ripping, tearing, and/or cutting of the clothing) after clothing has been removed.

Note: For additional information refer to Directive 4508R-D, Section V.F.

O. CONTROL BUILDING AND FACILITY OBLIGATIONS

1. Each facility shall make every effort to minimize waiting time prior to a visit.

IV. THE VISIT PROCESS (Cont.)

2. Visitors shall not be required to wait outside a facility or the Visit Control Building. All waiting and visiting areas shall provide:

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 38 OF 40 PAGES	

- a. Adequate seating for each visitor to accommodate the highest peak demand for visits that the facility normally has.
 - b. Access to bathroom facilities and drinking water. Facilities are responsible to see that bathrooms shall be inspected and cleaned every two (2) hours during visiting and at the beginning and end of each visit day and are kept clean and sanitary at all times.
 - c. Access to vending machines for beverages and foodstuffs.
 - d. Access to Spanish speaking employee(s) or volunteer(s).
 - e. All visiting rules, regulations, and hours clearly posted, in English and Spanish, in the waiting and visiting areas at each facility.
3. Each bus shall be searched at the onset of each visit day at all Rikers Island Facilities to deter the introduction of contraband by visitors. The visit bus driver shall also inspect the passenger compartment for contraband before loading visitors at the Visit Control Building and after discharging visitors at the facility.
 4. The following signs shall be conspicuously posted in both English and Spanish in all waiting and visiting areas of each facility:
 - a. Information;
 - b. Search;
 - c. Cash drop off; and
 - d. Cash and package drop off.
 5. The following materials shall be conspicuously posted in both English and Spanish in all waiting and visiting access areas of each facility:
 - a. Penal Law relative to promoting prison contraband;
 - b. Visit Area procedures;
 - c. Registration Procedures;
 - d. Locker Instructions;
 - e. Rules of conduct;
 - f. Visit Schedule; and
 - g. Age and Identification Requirements.

IV. THE VISIT PROCESS (Cont.)

6. The following signs and materials shall be conspicuously posted in both English and Spanish in the Visit Control Building for Rikers Island visitors:

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	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 39 OF 40 PAGES	

- a. Penal law relative to promoting prison contraband;
- b. Pre-registration procedures;
- c. Age and identification requirements - importance of knowing inmates correct location;
- d. Rules of conduct; and
- e. Visit schedules.

7. The following printed hand out materials must be available:

- a. Visit Schedules;
- b. Information Brochures;
- c. Permissible Package Items (Listing); and
- d. Public and private transportation schedules.

V. REFERENCES

- A. Directive 1500R-A, "Standard Operating Procedures for Receipt, Disbursement, and Accounting of Inmate Cash Funds," dated 11/10/97 (as amended).
- B. Directive 1504, "Safeguarding of US Currency," dated 9/19/96.
- C. Directive 4002R-C, "Receiving and Sending Inmate Packages," dated 7/26/16 (as amended).
- D. Directive 4508R-E, "Control of and Search for Contraband," dated 5/15/09 (as amended).
- E. Directive 4512, "Visit Security Procedures," dated 6/23/82 (as amended).
- F. Directive 4525, "Amnesty Boxes," dated 3/29/05.
- G. Directive 4530, "Ion Scan Searches," dated 7/10/03.
- H. **Directive 4531R-B, "Canine Units (K-9)," dated 5/3/17.**
- I. Operations Order 02/09, "Transporting Inmates with Disabilities," dated 3/9/09.
- J. Operations Order 24/07, "Transporting Visitors with Disabilities," dated 12/21/07.

V. REFERENCES (Cont.)

- K. Board of Correction, Minimum Standards - Section 10.

	EFFECTIVE DATE 6/1/18	SUBJECT INMATE VISIT PROCEDURES		
	CLASSIFICATION # 2007R-D			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 40 OF 40 PAGES	

VI. ATTACHMENTS

- A. Form 143R, "Notice to Inmate/Visitor of Limitation/Denial of Visiting Access," dated 6/1/18.
- B. Form 439, "Search Consent Report," dated 7/14/17.

VII. SUPERSEDES

- A. Directive 2007R-C, "Inmate Visit Procedures," dated 7/14/17 (as amended).



NOTICE TO INMATE/VISITOR

OF CANCELLATION / LIMITATION / DENIAL OF VISITING ACCESS

SECTION I - Inmate's Information

Inmate's Name (Last, First): _____ Facility: _____ Housing Area: _____ Gender: _____

NYSID #: _____ Book and Case / Sentence #: _____

SECTION II - Visitor's Information

Date and Time: _____

Visitor's Name (Last, First): _____ Relationship to Inmate: _____ Visitor's Birthday: _____ Gender: _____

Street Address: _____ City: _____ State: _____ Zip: _____

Email Address: _____

Note: If you appeal DOC's initial determination to the BOC, you may be notified of the final determination via the email address you provide here for a faster response. The DOC email address is: DOCVisitDetermination@DOC.NYC.Gov. Do not write to this address, it is for outgoing mail only.

SECTION III - Visitor Cancellation / Limitation / Denial

The Visit Supervisor's recommendation for above named visitor:

CANCELLATION LIMITATION (non-contact) DENIAL

Above named inmate All inmates

1-day 45 - days 60 - days 90 - days 180 - days _____ - days

SECTION IV - Inmate Cancellation / Limitation / Denial

The Visit Supervisor's recommendation for above named inmate:

CANCELLATION LIMITATION (non-contact) DENIAL

Above named visitor All Visitors

1-day 45 - days 60 - days 90 - days 180 - days _____ - days

SECTION V - Justification of Inmate and/or Visitor Cancellation / Limitation / Denial

The recommendation to cancel / limit / deny the above inmate's or visitor's visitation rights is based on the following:

Actions by the Inmate Actions by the Visitor Actions by the Inmate and Visitor

Inmate/Visitor observed passing contraband Inmate/Visitor in possession of contraband

Inmate Transferred/Discharged Medical Visitor refuse to wait Out to court

Pending investigation Inappropriate attire Inmate refused visit Failed ion scan

Invalid/Expired ID Disrespect Staff Refuse to obey rules and regulations Other

Details: _____

This cancellation / limitation / denial conforms to the Cancellation / Limitation / Denial Grid (below), based on the circumstances noted above and, when applicable based on the visitor's restriction history (Section V) or based solely on the extenuating circumstances.

Recommended by: _____ Approved by: _____

Visit Supervisor (Print Name, Rank, Shield / Signature) Tour Commander / Deputy Warden of Programs (Print Name, Rank, Shield / Signature)



NOTICE TO INMATE/VISITOR

OF CANCELLATION / LIMITATION / DENIAL OF VISITING ACCESS

SECTION VI - Visitor Cancellation / Limitation / Denial Grid (Check One)

Sanction	1st Offense		2nd Offense		3rd Offense	
	Visitor	Inmate	Visitor	Inmate	Visitor	Inmate
<input type="checkbox"/> Promoting Prison Contraband - (Weapons) Specifically scalpels, razor blades, hobby blades, or similar type of instrument. This includes the use of contraband (weapons) in any assault on any person (staff, inmate, and/or visitor).	Visitor loss of visit access with any inmate indefinitely Inmate loss of contact visit for the remainder of incarceration	Visitor loss of visit access with any inmate indefinitely Inmate loss of contact visit for the remainder of incarceration	Visitor loss of visit access with any inmate indefinitely Inmate loss of contact visit for the remainder of incarceration	Visitor loss of visit access with any inmate indefinitely Inmate loss of contact visit for the remainder of incarceration	Visitor loss of visit access with any inmate indefinitely Inmate loss of contact visit for the remainder of incarceration	Visitor loss of visit access with any inmate indefinitely Inmate loss of contact visit for the remainder of incarceration
<input type="checkbox"/> Promoting Prison Contraband - (Narcotics or controlled substance) When a visitor or inmate is found to be in possession and/or is promoting narcotics or controlled substances, that visitor's right to visit any inmate in any facility shall be denied.*	180 days Visit cancellation with any inmate for the offending visitor	180 days Non-contact visits with any visitor	365 days* Visit cancellation with any inmate for the offending visitor	365 days* Non-contact visits with any visitor	Offending visitor's loss of visit access with any inmate indefinitely	Inmate loss of contact visits for the remainder of incarceration
<input type="checkbox"/> Possession or Promotion of Prison Contraband - (Electronic Devices and Prohibited Items) When a visitor is found to be in possession of this type of contraband, specifically, cell phones, cameras, pagers, tobacco related products, matches/lighters, etc., that visitor's right to visit any inmate in any facility shall be denied.**	180 days Visit cancellation with any inmate for the offending visitor	180 days Non-contact visits with any visitor	365 days* Visit cancellation with any inmate for the offending visitor	365 days* Non-contact visits with any visitor	Offending visitor's loss of visit access with any inmate indefinitely	Inmate loss of contact visits for remainder of incarceration
<input type="checkbox"/> When a visitor or inmate, at any time during the visit process assaults staff, an inmate, or another visitor that person's right to visit shall be limited/denied.	180 days Visit cancellation with any inmate for the offending visitor	180 days Non-contact visits with any visitor	365 days* Visit cancellation with any inmate for the offending visitor	365 days* Non-contact visits with any visitor	Offending visitor's loss of visit access with any inmate indefinitely	Inmate loss of contact visits for remainder of incarceration
<input type="checkbox"/> When a visitor or inmate, at any time during the visit process, threatens or verbally abuses staff or another visitor or causes a disturbance that puts staff in imminent danger, that person's right to visit shall be limited/denied.	45 days Visit cancellation with any inmate for the offending visitor	45 days Non-contact visits with any visitor	90 days Visit cancellation with any inmate for the offending visitor	90 days* Non-contact visits with any visitor	365 days* Visit cancellation with any inmate for the offending visitor	365 days* Non-contact visits with any visitor
<input type="checkbox"/> Any visitor or inmate who at any time during the visit process, presents false ID or attempts to impersonate another person, shall have his/her visit access limited/denied.	45 days Visit cancellation with any inmate for the offending visitor	45 days Non-contact visits with any visitor	90 days Visit cancellation with any inmate for the offending visitor	90 days* Non-contact visits with any visitor	365 days* Visit cancellation with any inmate for the offending visitor	365 days* Non-contact visits with any visitor
<input type="checkbox"/> Any visitor or inmate who, at any time during the visit process, fails to follow the instructions of staff (e.g., refusal to submit to security procedures) and thereby causes disruption of the visit process, shall have their right to visit limited/denied	45 days Visit cancellation with any inmate for the offending visitor	90 days Non-contact visits with any visitor	90 days Visit cancellation with any inmate for the offending visitor	180 days Non-contact visits with any visitor	365 days Visit cancellation with any inmate for the offending visitor	365 days Non-contact visits with any visitor
<input type="checkbox"/> Any visitor or inmate who, at any time during the visit process, is found to have stolen property, or who commits an act of vandalism while on Department of Correction property, shall have their right to visit any individual limited/denied	90 days Visit cancellation with any inmate for the offending visitor	90 days Non-contact visits with any visitor	180 days Visit cancellation with any inmate for the offending visitor	180 days Non-contact visits with any visitor	365 days Visit cancellation with any inmate for the offending visitor	365 days Non-contact visits with any visitor
<input type="checkbox"/> Any visitor or inmate who, at any time during the visit process, is found to be in possession of any item(s) considered contraband that is not already addressed in offenses 1-3 listed herein, (e.g., food, beverages, gum, metrocard), shall have their right to visit in any facility limited/denied	30 days Loss of contact visit	30 days Non-contact visits with any visitor	60 days Loss of contact visits	60 days Non-contact visits with any visitor	1 year Visit cancellation with any inmate for the offending visitor	180 days Non-contact visits with any visitor
<input type="checkbox"/> Any visitor or inmate who is discovered, by means of credible intelligence, to plan or be planning to introduce prison contraband (weapons), specifically scalpels, razor blades, hobby blades, or similar type of instruments into a facility through the visit process shall have their right to visit in any facility limited/denied	180 days Visit cancellation with any inmate for the offending visitor	180 days Non-contact visits with any visitor	365 days Visit cancellation with any inmate for the offending visitor	365 days Non-contact visits with any visitor	Offending visitor's loss of visit access with any inmate indefinitely	Inmate loss of contact visits for the remainder of incarceration
<input type="checkbox"/> Any visitor or inmate who is discovered, by means of credible intelligence, to plan or be planning to introduce prison contraband (non-weapons), specifically narcotics or controlled substances into a facility through the visit process shall have their right to visit in any facility limited/denied	90 days Visit cancellation with any inmate for the offending visitor	90 days Non-contact visits with any visitor	180 days Visit cancellation with any inmate for the offending visitor	180 days Non-contact visits with any visitor	365 days Visit cancellation with any inmate for the offending visitor	180 days Non-contact visits with any visitor
<input type="checkbox"/> Any visitor or inmate who, at any time during the visit process, engages in sexual activity, shall have their right to visit in any facility limited/denied	180 days Visit cancellation with any inmate for the offending visitor	180 days Non-contact visits with any visitor	365 days Visit cancellation with any inmate for the offending visitor	365 days Non-contact visits with any visitor	Offending visitor's loss of visit access with any inmate indefinitely	Inmate loss of contact visits for the remainder of incarceration

** When a visitor is found to be in possession and/or is promoting narcotics or controlled substances, that visitor's right to visit any inmate in any facility shall be denied. An inmate will receive 180 days of non-contact visits if contraband is passed or attempted to be passed by the visitor to the inmate, or a visitor who is registered to visit an inmate is arrested for promoting prison contraband prior to the commencement of the visit.

SECTION VII - Visitor Restriction History

	<p>CORRECTION DEPARTMENT CITY OF NEW YORK</p>	<p>FORM: 143R REV.: 6/1/18 REF.: Dir. 2007R-D</p>	<p>Page 3 of 3 Pages</p>
<p>NOTICE TO INMATE/VISITOR OF CANCELLATION / LIMITATION / DENIAL OF VISITING ACCESS</p>			



SECTION VIII - VISITOR / INMATE APPEAL PROCEDURE AND RECEIPT

The visitation rights of an inmate with a particular visitor may be limited or denied only when it has been determined that the exercise of those rights constitutes a threat to the safety or security of visitors or the facility. This may happen only if denying the right to contact visits alone would not reduce this threat. This decision must be based on specific acts committed by the visitor during a prior visit that demonstrates his / her threat to the safety or security of a particular facility, or on specific information received and verified that the visitor plans to engage in acts during the next visit that will be a threat to the safety or security of the facility.

This decision to cancel, limit or deny visits shall be made by the Deputy Warden for Programs, who will provide written notification and specific charges, including the names and the statements of the charging parties, to both the intended visitor and the inmate. The visitor who is affected shall have the opportunity to be heard on the charges face-to-face with the Deputy Warden for Programs, or the Tour Commander if the Deputy Warden for Programs is absent prior to the determination. At the visitor's request, this decision may be reviewed by the Deputy Warden for Programs every thirty (30) days. The name of an informant may be withheld if necessary to protect his / her safety.

Visitors and Inmates whose visiting privileges have been canceled, limited or denied by the Department of Correction (DOC) may appeal to the New York City Board of Correction (BOC). Any person who appeals shall give notice in writing to the BOC and to the DOC Commanding Officer. The facility and any person affected by the decision may submit to the BOC, for its consideration, any evidence or relative material relevant to the cited offense and to the cancellation/limitation/denial. The BOC, or the designee, shall issue a written decision upon the appeal within five (5) business days after it has received notice of the requested review.

My signature certify that I have received a copy of the notice of cancellation/limitation/denial with the B.O.C Minimum Standards Appeal and Complaint form (see Section VII below).

Signature of Visitor / Inmate: _____ Witnessed by: _____ Date: _____

SECTION IX - BOC APPEAL AND COMPLAINT FORM

NYC BOARD OF CORRECTION
 1 CENTRE STREET Room 2213
 NEW YORK, NEW YORK 10007
 (212) - 669-7900

BOARD OF CORRECTION
MINIMUM STANDARDS APPEAL AND COMPLAINT FORM

This form should be promptly completed by any prisoner or other person appealing a determination to the Board of Correction relating to a minimum standard. This form should be given to a staff member of the Board of Correction at the facility or mailed to the address above or emailed to BOC@boc.nyc.gov. This form should also be utilized for the purpose of making any complaint or command involving the minimum standards.

DOC FACILITY AND HOUSING AREA: _____

APPLICABLE STANDARD, INCLUDING SECTION NUMBER: _____

NAME AND BOOK AND CASE NUMBER OF INMATE: _____

NAME, ADDRESS, PHONE NUMBER OF APPELLANT OTHER THAN INMATE: _____

NATURE OF DECISION BEING APPEALED (Attach copy of any written notice or decision provided by DOC): _____

DATE DECISION BEING APPEALED WAS MADE BY DOC: _____

NAME / IDENTIFICATION OF PERSON(S) WHO MADE DECISION BEING APPEALED: _____

REASON FOR APPEALING DECISION OR MAKING COMPLAINT (Attach any applicable written or other materials to be considered in the appeal):

Signature

Date

(Please attach additional sheets if you need to provide more information needs to BOC for your appeal)

SECTION X - APPEAL DISPOSITION

You have appealed your non-contact visit restriction to the Board of Correction. The Board of Correction granted your appeal on ____/____/____ restoring your contact visits or modifying your restriction. Upon review of the Board of Correction's decision, the Department of Correction is issuing the following final determination:

The Department of Correction will uphold the Board of Correction's non-contact Visit Appeal decision.

The Department of Correction **will not** uphold the Board of Correction's non-contact Visit Appeal decision.

Bureau Chief's Signature: _____ Date: _____

You acknowledge you have received a copy of the Final Appeal Disposition on ____/____/____

Inmate's Signature: _____ Book&Case #: _____ Date: _____

	CORRECTION DEPARTMENT CITY OF NEW YORK		
	SEARCH CONSENT REPORT		
Form: #439 Rev.: 7/14/17 Ref.: Directives #2007R-C & #4508R-E	Facility:		Date:
	Time:		Housing Area:
Inmate's Name:	Book & Case #:	NYSID #:	Cell or Bed #:
Visitor's Name:			
<p>1. Before you will be permitted to have your visit, it is necessary for you to undergo a Pat Frisk Search. You have the right to refuse this search. If you do refuse the search, contact visit privileges will be denied and a "Non-Contact or Booth" visit will be provided in place thereof. Please note, however, that if a Metal Detector Search has indicated the presence of a metallic object on your person and you do not consent to a Pat Frisk, the visit will be denied entirely.</p> <p>2. A description of the Pat Frisk procedures is printed on the reverse side of this form.</p> <p>3. I understand that I may refuse to submit to a Pat Frisk Search and if I refuse to be searched my visiting privileges will be restricted or denied as outlined in #1 above.</p>			
<input type="checkbox"/> I consent to a Pat Frisk Search	<input type="checkbox"/> I consent to a ION Scan Search on my headwear of religious significance		
<input type="checkbox"/> I DO NOT consent to a Pat Frisk Search	<input type="checkbox"/> I DO NOT consent to a ION Scan Search on my headwear of religious significance		
Signature of visitor:		Date:	
Signature of adult accompanying visitor (If visitor is under 16 years of age):		Date:	
Signature of Officer:		Date:	
Signature of Supervisory Officer:		Rank:	Date:
Reason for Pat Frisk Search:	Reason for ION Scan Search of my headwear of religious significance:		
Results of Pat Frisk Search:	Results of ION Scan Search of my headwear of religious significance:		
Additional Remarks:			
Distribution:			
Original - Inmate's Folder Copy - Commanding Officer of SOD Copy - Inmate Copy - Visitor Copy - Deputy Warden for Programs (Inmate's Facility) Copy - Deputy Warden for Security (ONLY IF CONTRABAND FOUND)			

A PAT FRISK SEARCH OF A VISITOR SHALL ONLY BE PERFORMED IN A PRIVATE AREA OF THE FACILITY BY AN INDIVIDUAL OF THE SAME GENDER AS THE VISITOR; AND SHALL BE CONDUCTED AS FOLLOWS:

A. THE PAT FRISK SEARCH IS CONDUCTED BY PATTING THE OUTER CLOTHING OVER THE ENTIRE LENGTH OF THE VISITOR'S BODY, TOUCHING THE SKIN ONLY AT THE SHIRT SLEEVES AND THE COLLAR AND EXAMINING THE SEAMS AND POCKETS OF THE VISITOR'S CLOTHING. VISITORS SHALL BE REQUIRED TO RUN THEIR FINGERS THROUGH THEIR HAIR UNDER THE OBSERVATION OF A CORRECTION OFFICER IN ORDER TO ENSURE THAT WEAPONS OR OTHER CONTRABAND ARE NOT SECRETED IN THE HAIR. AT THE DISCRETION OF THE OFFICER, A TRANSFRISKER MAY BE USED TO CHECK FOR CONTRABAND IN A VISITOR'S HAIR.

B. TO PERFORM A PAT FRISK, THE CORRECTION OFFICER STANDS BEHIND THE VISITOR AND ASKS THE VISITOR TO RAISE THEIR ARMS. THEN, THE OFFICER RUNS THEIR THUMBS UNDER THE VISITOR'S COLLAR, RUNS THEIR HANDS ACROSS THE TOP OF THE VISITOR'S ARMS, COMES BACK UNDER THE VISITOR'S ARMS TO THE ARMPITS AND DOWN THE VISITOR'S SIDES TO THE WAIST. THE OFFICER THEN RUNS THEIR FINGER AROUND THE VISITOR'S WAISTBAND, RUNS THEIR HANDS DOWN THE OUTSIDE OF THE VISITOR'S LEGS AND UP THE INSIDE OF THE VISITOR'S LEGS TO AND INCLUDING THE CROTCH. THE OFFICER THEN REACHES AROUND AND PATS THE VISITOR'S CHEST AND BACK AND CHECKS ANY REMAINING POCKETS. IN CONDUCTING A PAT FRISK, OFFICERS SHALL STRIVE TO PRESERVE THE DIGNITY OF THE VISITOR BEING SEARCHED.

NOTE: PAT FRISKING OF FEMALES WEARING SKIRTS

SHOULD A FEMALE VISITOR WEARING A SKIRT CONSENT TO A PAT FRISK, BUT BECAUSE OF THE NATURE OF THE SKIRT AN EFFECTIVE PAT FRISK IS IMPOSSIBLE, THE VISITOR SHALL BE AFFORDED THE OPTION OF MOVING TO AN AREA PROVIDING PRIVACY AND LIFTING THE SKIRT IN THE PRESENCE OF A FEMALE OFFICER. SHOULD THE VISITOR DECLINE TO DO SO, THE VISITOR SHALL BE GIVEN A NON-CONTACT VISIT UNLESS THE VISIT IS DENIED ENTIRELY FOR OTHER REASONS IN ACCORDANCE WITH DEPARTMENTAL POLICY.

C. DURING THE PAT FRISK, THE VISITOR MAY BE REQUIRED TO REMOVE HIS/HER OUTER GARMENTS, COAT, HAT, SHOES AND NO OTHER ITEMS.



**The City of New York
Department of Investigation**

**MARK G. PETERS
COMMISSIONER**

80 Maiden Lane
New York, NY 10038
212-825-2171

Commissioner Joseph Ponte
New York City Department of Correction
75-20 Astoria Boulevard, Suite 350
East Elmhurst, NY 11370

December 22, 2016

Dear Commissioner Ponte,

As you are aware, in recent months, numerous DOC visitors have complained that DOC staff subjected them to inappropriate searches. DOI conducted an investigation into these complaints, which included DOC site visits, interviews with approximately 30 complainants, and review of hundreds of hours of surveillance footage. Below are DOI's policy and procedure recommendations as a result of that investigation.

In order to reduce the possibility that staff engage in improper searches or that visitors allege an improper search, DOC must issue a new Directive that 1) requires searches be conducted in public unless the visitor requests otherwise and 2) allows only specific and limited contact with a visitor's breasts, buttocks, or genitals and prohibits insertion of fingers into orifices during pat/frisk searches. DOC must also implement regular staff training that ensures uniform enforcement of its new Directive.

DOI recognizes that DOC has agreed to implement some of the corrective measures DOI has recommended to address some of the problems discussed in this letter, including 1) increasing video surveillance coverage and 2) placing full body scanners in visitor screening areas. While increased video surveillance will likely discourage staff from performing improper searches and visitors from making false allegations of improper searches and full body scanners will assist COs in screening for contraband, DOI makes the following additional recommendations that it believes will complement DOC's efforts.

- i. *Require all DOC visitation staff to undergo training for conducting Directive-based pat/frisk searches*

DOC staff currently assigned to visit facilities have not been required to undergo any training to ensure compliance with DOC's directive for visitation search procedures. This lack of training explains why many visit staff at the facilities DOI observed conduct pat/frisk searches in violation of the Directive and why search procedures vary from one facility to another.

According to Ericka Cabble, Administrative Captain for the DOC Training Academy, the only search training COs receive is pursuant to DOC's Control and Search for Contraband directive, which pertains only to inmate searches. COs do not receive pat/frisk search training or other training specific to visitors.

- ii. *Pat/frisk searches that include searches of a visitor's crotch, bra, or buttocks should be specific and limited and clearly detailed in the Directive*

DOI learned that many visitors complained of improper searches after visit staff touched their bras and/or crotches during a search. While the Directive currently does not specifically call attention to searches of visitors' bras or require visitors to shake out their bras, it does allow staff to conduct a pat/frisk search that includes contact with visitor's chest and groin.

The new Directive should specifically prohibit insertion of fingers into any orifices and, absent reasonable cause, prolonged contact with the breasts, buttocks or groin. Alternatively, the new Directive could direct staff to order female visitors to shake out their bras so that staff are not required to make contact with visitors' breasts.

DOI believes these new search procedures will continue to allow DOC visitation staff to thoroughly search for contraband while minimizing the possibility that visitors can claim they were demeaned, harassed, or assaulted during a search. Also, placement and effective use of state-of-the-art full body scanners in each DOC visits facility would obviate the need for an invasive search of a visitor's bra or crotch as they would detect contraband or other suspicious objects secreted in or underneath clothing.

- iii. *Conduct pat/frisk searches in an open area unless a visitor requests, for privacy, medical, or religious reasons, to be searched in separate private area*

The Directive currently instructs staff to conduct pat/frisk searches "away from public view," which DOI's site visits revealed is indeed the prevailing practice. Even non-contact searches are conducted away from public view. In some cases, these searches—which never require visitors to undress—are conducted in windowless rooms with steel doors; in other instances, searches are performed behind a curtain or partition. This current protocol is problematic as staff can more easily engage in inappropriate searches when they are done so in private than when they are conducted publicly. Similarly, visitors can easily make false accusations of inappropriate conduct when searches are performed in private.

In an effort to promote transparency and uniformity of the search process and, again, reduce the possibility that visitors can make allegations that they were harassed or assaulted during a search, DOI encourages DOC to have staff conduct all searches, including pat/frisk searches, in an open, public area subject to surveillance camera monitoring. Conducting searches in open view allows visitors to witness others being searched, a process which thus allows them to reasonably anticipate the kind of search they themselves will be subject to. Searches conducted in open view also allow other visitors and staff to witness whether a CO is conducting a search appropriately and, conversely, would discourage him or her from engaging in an inappropriate search. Finally, a search performed in open view may encourage visitors who have been inappropriately touched to speak up.

The Directive, however, should permit visitors to be searched in private at their request. Some visitors, for instance, might have disabilities, medical conditions, or religious or privacy preferences that require a search to occur away from public view. In these cases, DOC should have a separate space in each visit facility for these searches to occur. Even these separate areas, however, should be subject to video monitoring and conspicuously posted signs should be placed in the area to alert the visitor that the search is being recorded.

- iv. *Conspicuously post signs containing English and Spanish text descriptions and graphic illustrations in all visitation facilities informing visitors of DOC pat/frisk search procedures*

In order to promote uniformity and transparency of visitation pat/frisk searches, DOC should conspicuously post signs containing English and Spanish text descriptions, as well as graphic illustrations, informing visitors of its procedures. As described above, DOI's site visits revealed that DOC's current visitation search practices vary from one facility to another. Some staff also regularly conducted pat/frisk searches in ways that violated DOC's Directive.

These standardized and conspicuously placed signs containing text descriptions and graphic illustrations in DOC's visitation facilities should allow visitors to easily anticipate and understand how and where on their bodies they will be searched. Additionally, these signs should include DOI's complaint line number to notify visitors that complaints of harassment or improper searching or touching should be directed to DOI for investigation.

- v. *Assign at least one drug-sniffing canine to each DOC visitor facility.*

DOI recommends that DOC employ at least one drug-sniffing canine in each of its visit facilities in order to ensure that staff receive the required assistance to detect narcotic contraband that might be smuggled by visitors and to deter future contraband deliveries. In larger visit facilities with more visitors, it may be prudent to employ multiple canines. Currently, DOC appears to be under-utilizing drug-sniffing canines in its visitation facilities. In fact, of the nine facilities at which site visits were conducted, DOI investigators observed a drug-sniffing canine employed at only one facility (Central Visits). Because these canines can detect narcotics that COs might not discover through routine searches, they should be employed on visitors reasonably believed to be smuggling narcotics. DOI further recommends that DOC conspicuously post signs notifying visitors as to the presence of canines.

Current DOC visitation search procedures, while perhaps effective, have failed to adequately hold staff accountable against potential abuses and misconduct. The recommendations DOI makes in this letter aim to address these problems by making the visitation search process more uniform and transparent. DOI looks forward hearing of the progress DOC will make in addressing the issues raised in this letter.

Very Truly Yours,

Mark G. Peters

BY:



Jennifer Sculco
Senior Inspector General

cc: Cynthia Brann, Acting First Deputy Commissioner
Jeff Thamkittikasem, Chief of Staff
Heidi Grossman, General Counsel
Gregory Kuczinski, Deputy Commissioner
Sarena Townsend, Assistant Commissioner

	CORRECTION DEPARTMENT CITY OF NEW YORK		Form: #439 Rev.: 7/14/17 Ref.: Directives #2007R-C & #4508R-E	
SEARCH CONSENT REPORT				
Facility:	Date:	Time:	Housing Area:	
Inmate's Name:	Book & Case #:	NYSID #:	Cell or Bed #:	
Visitor's Name:				
<p>1. Before you will be permitted to have your visit, it is necessary for you to undergo a Pat Frisk Search. You have the right to refuse this search. If you do refuse the search, contact visit privileges will be denied and a "Non-Contact or Booth" visit will be provided in place thereof. Please note, however, that if a Metal Detector Search has indicated the presence of a metallic object on your person and you do not consent to a Pat Frisk, the visit will be denied entirely.</p> <p>2. A description of the Pat Frisk procedures is printed on the reverse side of this form.</p> <p>3. I understand that I may refuse to submit to a Pat Frisk Search and if I refuse to be searched my visiting privileges will be restricted or denied as outlined in #1 above.</p> <p> <input type="checkbox"/> I consent to a Pat Frisk Search <input type="checkbox"/> I consent to a ION Scan Search on my headwear of religious significance <input type="checkbox"/> I DO NOT consent to a Pat Frisk Search <input type="checkbox"/> I DO NOT consent to a ION Scan Search on my headwear of religious significance </p>				
Signature of visitor:			Date:	
Signature of adult accompanying visitor (If visitor is under 16 years of age):			Date:	
Signature of Officer:			Date:	
Signature of Supervisory Officer:		Rank:	Date:	
Reason for Pat Frisk Search:		Reason for ION Scan Search of my headwear of religious significance:		
Results of Pat Frisk Search:		Results of ION Scan Search of my headwear of religious significance:		
Additional Remarks:				
Distribution: Original - Inmate's Folder Copy - Commanding Officer of SOD Copy - Inmate Copy - Visitor Copy - Deputy Warden for Programs (Inmate's Facility) Copy - Deputy Warden for Security (ONLY IF CONTRABAND FOUND)				

A PAT FRISK SEARCH OF A VISITOR SHALL ONLY BE PERFORMED IN A PRIVATE AREA OF THE FACILITY BY AN INDIVIDUAL OF THE SAME GENDER AS THE VISITOR; AND SHALL BE CONDUCTED AS FOLLOWS:

A. THE PAT FRISK SEARCH IS CONDUCTED BY PATTING THE OUTER CLOTHING OVER THE ENTIRE LENGTH OF THE VISITOR'S BODY, TOUCHING THE SKIN ONLY AT THE SHIRT SLEEVES AND THE COLLAR AND EXAMINING THE SEAMS AND POCKETS OF THE VISITOR'S CLOTHING. VISITORS SHALL BE REQUIRED TO RUN THEIR FINGERS THROUGH THEIR HAIR UNDER THE OBSERVATION OF A CORRECTION OFFICER IN ORDER TO ENSURE THAT WEAPONS OR OTHER CONTRABAND ARE NOT SECRETED IN THE HAIR. AT THE DISCRETION OF THE OFFICER, A TRANSFRISKER MAY BE USED TO CHECK FOR CONTRABAND IN A VISITOR'S HAIR.

B. TO PERFORM A PAT FRISK, THE CORRECTION OFFICER STANDS BEHIND THE VISITOR AND ASKS THE VISITOR TO RAISE THEIR ARMS. THEN, THE OFFICER RUNS THEIR THUMBS UNDER THE VISITOR'S COLLAR, RUNS THEIR HANDS ACROSS THE TOP OF THE VISITOR'S ARMS, COMES BACK UNDER THE VISITOR'S ARMS TO THE ARMPITS AND DOWN THE VISITOR'S SIDES TO THE WAIST. THE OFFICER THEN RUNS THEIR FINGER AROUND THE VISITOR'S WAISTBAND, RUNS THEIR HANDS DOWN THE OUTSIDE OF THE VISITOR'S LEGS AND UP THE INSIDE OF THE VISITOR'S LEGS TO AND INCLUDING THE CROTCH. THE OFFICER THEN REACHES AROUND AND PATS THE VISITOR'S CHEST AND BACK AND CHECKS ANY REMAINING POCKETS. IN CONDUCTING A PAT FRISK, OFFICERS SHALL STRIVE TO PRESERVE THE DIGNITY OF THE VISITOR BEING SEARCHED.

NOTE: PAT FRISKING OF FEMALES WEARING SKIRTS

SHOULD A FEMALE VISITOR WEARING A SKIRT CONSENT TO A PAT FRISK, BUT BECAUSE OF THE NATURE OF THE SKIRT AN EFFECTIVE PAT FRISK IS IMPOSSIBLE, THE VISITOR SHALL BE AFFORDED THE OPTION OF MOVING TO AN AREA PROVIDING PRIVACY AND LIFTING THE SKIRT IN THE PRESENCE OF A FEMALE OFFICER. SHOULD THE VISITOR DECLINE TO DO SO, THE VISITOR SHALL BE GIVEN A NON-CONTACT VISIT UNLESS THE VISIT IS DENIED ENTIRELY FOR OTHER REASONS IN ACCORDANCE WITH DEPARTMENTAL POLICY.

C. DURING THE PAT FRISK, THE VISITOR MAY BE REQUIRED TO REMOVE HIS/HER OUTER GARMENTS, COAT, HAT, SHOES AND NO OTHER ITEMS.

2019 Visitor Search Report Correction Officer Name Key

CO Jennifer George	CO H
CO Lisette Rodriguez	CO J
Capt. Leslie-Ann Absalom	Capt. K
CO Daphne Farmer	CO L
CO Alifa Waiters	CO M
CO Latoya Shuford	CO Q