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		<b>VISITING</b>	

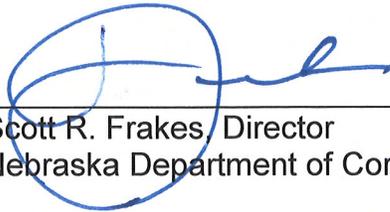
This Administrative Regulation is to be made available in law libraries or other inmate resource centers.

- EFFECTIVE: June 14, 1993
- REVISED: June 1, 2007
- REVISED: July 15, 2008
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- REVISED: October 11, 2014
- REVISED: July 31, 2015
- REVISED: August 31, 2016

#### SUMMARY of REVISION/REVIEW

Incorporated Policy Directives 015-031 and 016-001. Section IV.C. updated. Re-lettered attachments and added attachment F. Removed reference to ACA 4-4150.

APPROVED:


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 Scott R. Frakes, Director  
 Nebraska Department of Correctional Services

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### PURPOSE

Regulations governing inmate visiting are necessary in order to attain the Nebraska Department of Correctional Services' (NDCS) objectives to increase opportunities for inmate self-development and to maintain a safe, secure and humane environment for inmates, staff and the public.

### GENERAL

Consistent with its function and the nature of its inmate population and programs, each institution shall develop its own version of this Administrative Regulation (AR) within the limits and guidelines which follow.

### PROCEDURES

- I. Written information regarding procedures governing visitation will be made available to inmates within 24 hours of their arrival at the facility. At a minimum, the information will include, but not be limited to, the following:
  - A. Facility address/phone number, directions to the facility and information about local transportation
  - B. Days and hours of visitation
  - C. Approved dress code and identification requirements for visitors
  - D. Items authorized in visiting room
  - E. Special rules for children
  - F. Authorized items that visitors may bring
  - G. Special Visits
  
- II. AVAILABILITY OF RULE BOOK
 

NDCS Rules and Regulations Rule Book Chapter 4 which contains visiting rules and procedures shall be given to each inmate and staff member. Chapter 4 shall be translated into those languages spoken by significant numbers of inmates. Signed acknowledgement of receipt of the rulebook shall be maintained in the inmate's file. When a literacy or language problem prevents an inmate from understanding the rulebook, a staff member or translator shall assist the inmate in understanding the rules.
  
- III. ADDITIONAL VISITING REGULATIONS
  - A. Visit Applications

Visitors will not be permitted to visit prior to submittal of the authorized visiting forms and approval by the Warden/designee. False or incomplete information on this form will result in a denial of visiting privileges.

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**B. Limitations**

**1. Number/Space**

Institutional policy and procedure will provide that the number of visitors an inmate may receive and the length of visits may be limited only by the institution's schedule, space and personnel constraints, or when there are substantial reasons to justify such limitations.

There is no limit to the number of visitors an inmate may have on his/her authorized visiting list, however all visitors must be approved by the Warden/designee for visiting. Specific visiting policies limiting visitation are as follows:

- a. Visitors will not be authorized to be on the visiting list of more than one inmate housed within the NDCS. The only exception to this policy is that an "immediate family" member may be granted permission to be placed on more than one inmate's visiting list if one person involved is a member of the inmate's immediate family.
- b. No more than four adults may visit an inmate during any one visiting period.
- c. Visitors who leave the institution will not be permitted to resume their visiting privilege for that session.
- d. Special visiting restrictions may be imposed by the facility due to scheduling, space and personnel constraints.
- e. For the purpose of visiting, immediate family shall be defined as: spouse, parent, step-parent, person acting in place of parent (as documented in the master record), sibling, step-brother, step-sister, half-brother, half-sister, child, step-child, grandparent and grandchild.

**2. Physical Contact**

Facilities shall permit informal communications, including opportunity for limited physical contact. Devices that preclude physical contact shall not be used except in instances of substantial security risk.

**3. Age Requirements**

Persons 19 years of age and above – (1) must complete and submit an individual Visitation Request Form (VRF) (Attachment A) to the Warden/designee; (2) may visit without parent or guardian.

Persons 18 and under

- a. must each have a completed VRF submitted to Warden/designee;
- b. must be accompanied on visit by parent, legal guardian or court appointed agent or other authorized adult (age 19 or above);

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- c. must submit notarized permission letter from parent, guardian or court appointed agent to visit in company with another authorized adult;
- d. parent, legal guardian, court appointed agent or another authorized adult who accompanies said minor must also be on the inmate's approved visiting list. (Except those individuals who are authorized as a part of their employment to accompany minors on visits are not required to be on a particular inmate's visiting list. Such individuals are required to submit a VRF.)
- e. Minors age 18 and under must have a birth certificate to present to the Visiting Staff during their first visit.
- f. All minors age 16 and older must also present a picture ID to the Visiting Staff on all visits.

Minors who are married do not need parental or legal guardian consent to visit their spouse, but must be approved visitors via the VRF process. They also will be required to present a copy of their marriage license along with the VRF.

4. Criminal Records

Persons with criminal records are not automatically excluded from visiting. In determining whether or not to approve a person with a criminal record, the nature and extent of that person's total criminal record, plus his/her history of recent criminal activity is weighed carefully against the benefits of visitation. The Warden/designee shall retain final authority to review, assess and approve/disapprove applications to visit. Appeals of denials to visit must be submitted in writing to the Warden.

Note: Failure to list previous criminal convictions on the VRF can result in denial of visiting privileges.

- a. Generally, parolees, probationers or persons having pending charges will not be granted permission to visit during service of sentence and ex-felons will not be granted permission to visit for three years after expiration of sentence, except for immediate family who may be considered at the end of one year. Ex-misdemeanants will not be granted permission to visit for six months after expiration of sentence. Immediate family may be considered after three months.
- b. Exception may be made for a spouse/immediate family member who may be allowed to visit once a month by special approval from the Warden. It will be the responsibility of the spouse/immediate family member seeking visiting privileges while on probation/parole to provide, with the VRF, a letter from the supervising probation/parole officer recommending either approval or denial of visiting privileges.

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- c. Immediate family members having pending misdemeanor/felony charges may be considered for monthly special visits pending resolution of the charges.
- d. Following the release of an inmate on parole, or when an inmate is placed on escape status, or bond the institution's records office will stamp all current visitor application forms in the classification file "Deleted". The records office will also delete these previously approved visitor names from any computer records of approved visitors for this inmate.
- e. An NCIC (National Crime Information Center) computer check to verify visitor identity and to ensure the accuracy of VRF information will be done on all visit applicants submitting a VRF (both adults and minors from age 8 and up).
- f. The Warden/designee must review and approve/disapprove all Visitor Request Forms (VRF) submitted by the victim of a violent offense, when that offense is committed by the inmate being visited if such information is known to facility staff. Generally, the victim of a violent offense will not be granted permission to visit. Exceptions may be made with a spouse/adult immediate family member, who may be allowed to visit once a month by special approval from the Warden.

5. Employees/Prior Employees

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

IV. TYPES OF SPECIAL VISITS

All visitors must be authorized by the facility's Warden/designee.

A. Special, Extended and Emergency Visits

This visiting process is to accommodate immediate family members on the inmate's approved visiting list who visit infrequently (less than one visit per month) because of long distance (more than 200 miles from the facility) or due to limitations imposed upon the facility due to space or staffing restrictions. Non-family members may be approved at the discretion of the Warden. Special/extended/emergency visits (Attachment B) may also be granted for reasons of hospitalization or for inmates in restrictive housing status when the security or the good order of the facility/community is not jeopardized. Persons not on an inmate's approved visiting list, but who may be considered for special visiting privileges include prospective employers, attorneys, members of the clergy, and social service representatives.

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These people may be able to offer valuable assistance to inmates and, therefore shall be allowed to visit with the approval of the Warden or his/her designee.

B. Community custody inmates may be authorized to visit immediate family members incarcerated in other NDCS facilities once every three months.

C. Restrictive Housing

Inmate placement in restrictive housing will affect visiting dates/times/availability. Status of the inmate will determine visiting. i.e. contact, video, dates/times. Visits may be denied for security or good order of the facility. Generally, inmates in Restrictive housing classification shall have similar visiting privileges as those afforded to the general population.

D. Inmates who Have Committed Crimes in Which Victim(s) were Minor Aged Children (Under 19 Years of Age)

1. The file of each inmate shall be reviewed to determine if any record exists meeting the above criteria. Newly committed inmate files shall be reviewed by receiving facility staff at the facility in which the inmate is housed. If such a record exists, the person reviewing the record will list out the information on the Inmate Summary of Crimes Against Minors form (Attachment C).

2. Once the inmate has been identified, the NiCaMS for "prior contact with minor" will be updated. This entry will automatically update the NiCaMS classification study and the visitor's list databases. In addition, the records office will have a red-inked stamp titled "contact with minor" and will stamp the front cover of the inmate file.

3. The Warden shall have the authority to impose visiting restrictions on identified inmates on a case-by-case basis. The Warden will indicate restrictions on the Crimes Against Minor-Aged Victims form (Attachment D). Designated staff will ensure the inmate signs and receives a copy of the form. If the no physical contact with minor age children restriction is imposed, additional actions may include restricting these inmates to visiting children/youth at designated times and/or designated authorized areas, excluding visitors under the age of 19 from the inmate's approved visiting list, and/or suspension of all visiting privileges until the inmate has received treatment intervention. The visits shall be closely monitored by visiting room staff. Any violation of this policy will result in immediate termination of the visit, removal of the inmate and the visitor from the visiting area, and the issuance of a misconduct report. Penalties imposed against inmates will be consistent with agency disciplinary procedures. Actions imposed on visitors will be handled administratively by the Warden. Factors considered in making the above determination may include, but are not limited to, the following considerations:

- a. Length of time since last child-related offense occurred.
- b. Seriousness of prior offense(s).
- c. Number of prior offense(s).

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- d. Mental health status of minor child and/or inmate.
  - e. Age of requested visitor and relationship to inmate.
  - f. Inmate history of violence.
4. Identified inmates will receive written notice (use "Inmate Summary of Crimes Against Minors" form) of their visiting status relating to minor children and the guidelines for visits involving minors.
  5. Wardens have the authority to modify or eliminate visiting restrictions imposed as provided in this section. Such modification or elimination shall be in consultation with appropriate mental health, program and custody staff.
- E. Inmate to Inmate Visits

Inmate to inmate visits may occur when the following criteria are met:

1. One inmate must be on community custody status.
2. The visit request will be initiated by the community custody inmate.
3. The inmates must be immediate family as defined by current departmental guidelines. (See III.B.1.e above)
4. The visit must be approved by each Warden/designee.
5. The visit will generally occur during regular visiting hours.
6. The community custody inmate must produce his/her inmate ID prior to being allowed to visit at a secure facility
7. The community custody inmate will be strip searched upon arrival and upon leaving the secure facility.
8. Visits may be approved once every three months.
9. If the facilities are in the same city, the visit may be done on pass; if the facilities are in different cities, the visit may be done on furlough.
10. If the visit occurs during a furlough, it will be considered one of the inmate's four hour daily approved itinerary activities.
11. An approved volunteer sponsor will provide transportation.
12. The approved volunteer sponsor may also participate in the visit if the sponsor is on the visiting list of the inmate to be visited.
13. If the approved volunteer sponsor is not on the visiting list, he/she will be required to stay at the facility during the visit.

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F. Holidays

Inmates will be allowed visits on Thanksgiving Day, Christmas Day and New Years Day, regardless of the days upon which the holiday falls. All other holidays will be treated as any other day relative to whether or not visits are allowed. If these other holidays fall on regular visit days, then visits will be allowed, but if they are on non-visit days, then no visits will be allowed.

V. VISITOR DELETIONS

Any inmate may request that one or more persons listed on his/her approved visiting list be deleted from that list by completing a Deletion Request Form. (Attachment E) The deleted visitors' name(s) will not be placed on another inmate's approved visiting list for six months. The deleted visitor's name(s) also will not be reinstated on an inmate's visiting list for six months (if the visitor's name was previously removed at that inmate's direction).

A visitor may request deletion by submitting the request in writing to the Warden. Such visitor requested deletions require the visitor to wait six months before he/she may be placed on another inmate's list. The six-month waiting period will also apply to clergy status visitors, however, the Warden may waive the six month waiting period at the recommendation of the religious coordinator. In the event that the individual requesting deletion has not visited for a period of at least six months, the Warden may waive the six month waiting period to be added to another inmate's visiting list.

VI. VISITOR RESPONSIBILITY, CONDUCT AND BEHAVIOR

Each visitor must verify his/her identity. Visitors must register upon entry into the institution and may be subject to a search of persons and belongings as specified by written procedure prior to entrance. It is the responsibility of the visitor and the inmate to conduct themselves in a manner that will not bring discredit upon them or be disruptive to other visitors in the area.

Attorneys entering a facility on official business will be required to show a current photo ID along with a valid Bar Card. Attorneys will not be subject to a search of their person; however the attorney's belongings will be searched. Staff will not read any legal materials during the search of the attorney's belongings. The attorney will pass through the metal detector and will be under escort while in the facility.

A. Supervision of Children

It is the responsibility of the visitor to supervise and maintain control over accompanying children. Neither visitors nor inmates are permitted to use corporal punishment on children or others when on NDCS property. If a child becomes disruptive during a visit and is not controlled by verbal direction from the supervising visitor or the inmate, the visit may be terminated.

B. Posted Rules/ Staff Instructions

Visitors and inmates must obey staff instructions and posted rules and regulations. Canine searches of visitors may take place.

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C. Physical Contact

1. Visitors and inmates must accept responsibility to behave in a mature, responsible manner, respectful of the rights of other inmates and their visitors.
2. Physical contact between visitors and inmates is limited to a brief kiss and a short embrace at the beginning and end of the visit. Caressing is prohibited. Inmates on "No Contact" status with a minor will have no contact at any time with a minor, including at the beginning and end of visitation.
3. No materials such as blankets, cloth, etc., may be used as a lap cover, draped over tables, benches or chairs in the visiting area.
4. Visitors and inmates will not be allowed to sit on each other's laps or straddle chairs, benches, etc. Inmates may be permitted to hold children, age three and under, during visits. No other exceptions to this provision shall be made. No children age four or above are allowed to sit on any inmate's lap.

D. Visit Area

At the conclusion of the visit, inmates and visitors share a responsibility for cleaning up the immediate area which was used for their visit.

VII. VISITATION RESTRICTION/SUSPENSION

A. Visit Restriction

It is the policy of NDCS to encourage visits between members of the community and inmates as a means of promoting the rehabilitation process. However, inmates and visitors share a responsibility with the department for proper conduct during the visiting process. Some actions which may result in either temporary or permanent visiting restrictions are:

1. Improper inmate or visitor conduct during the visiting process.
2. Disruptive behavior.
3. Introduction of contraband into the facility or taking unauthorized items or property from the facility (criminal prosecution possible).
4. Drinking of alcohol/use of illegal drugs or being under the influence of alcohol/illegal drugs.
5. Refusal to submit to a search of any type. (Types of searches may include: canine, pat search, or other searches as indicated/approved.)
6. Violation of any posted visiting rules and regulations or failure to follow staff instructions.
7. Leaving the visiting area and proceeding into an unauthorized area.

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8. Doing anything that jeopardizes the safety and good order of the facility.
9. False or incomplete information on VRF or visiting or attempting to visit under a false identification.
10. Physical contact with a minor by an inmate on "No Contact" status with minors.
11. Poor sanitation and hygiene of visitor.
12. Positive detection by any of the means specified in #5 above.

**B. Visit Suspension**

The Warden/designee of the facility may suspend the visiting privileges of the visitor by stating that fact in a letter to the person and citing the reasons for it.

The statement of reasons may be deleted if it would jeopardize the security of the institution or the safety of an individual. The inmate involved will also receive a copy of the letter.

In that same letter to the visitor, the Warden/designee will also specify the length of time that the suspension is to last (i.e., whether indefinitely or for a specified period of time). In the case of an indefinite suspension, the letter will include a date when that visitor may resubmit an application for visiting privileges. Visitors that are suspended from visiting at one NDCS facility are suspended from visiting at all NDCS facilities. Exceptions may be considered by the Warden if immediate family members are involved.

Any inmate aggrieved by the removal from his/her visiting list of one or more of the approved visitors from his/her visiting list may appeal such action through the regular grievance procedure.

**C. Modification**

The Warden may modify the condition of the visit based on results of any part of the search procedures. For example, a positive indication from a canine search. Additionally, behavior on the part of the inmate or the visitor may require a modification.

**VIII. VISITING ATTIRE**

**A. Visitor Attire**

When visiting this department's correctional facilities, casual attire is appropriate. However, clothing should not be distracting or offensive to inmates or to other visitors and must be in good repair. Footwear in good repair is required. The following modes of dress are inappropriate for visitation at a correctional facility: (Note: exceptions can be made for Community Corrections Centers.)

1. Shorts (10 years of age or under are excluded)

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2. Skirts, dresses/skorts/culottes, capris less than knee length (top of knee) (10 years of age or under are excluded). Dresses with slits must not have slits that go above the knee.
3. Halter tops, tube tops, sleeveless dresses or shirts, spaghetti/string tied tops, backless tops, muscle shirts, tank tops, half shirts, crop tops or other clothing revealing bare shoulders, a bare midriff, or any part of the breast, chest or back (10 years of age or under are excluded).
4. Tights/leggings, stirrup pants, spandex/stretch pants (10 years of age or under are excluded).
5. See-through clothing.
6. Visitors must wear undergarments. Visitors may not wear multiple layers of undergarments. Females must wear one bra and one pair of underwear (10 years of age or under are not required to wear a bra). Males must wear one pair underwear/undershorts.
7. Visitors are not allowed to wear a combination of both khaki colored pants and a shirt at the same time when they visit. A visitor may wear khaki pants or khaki shirt, but never at the same time when visiting.
8. Hats or caps of any kind may not be worn while in the visiting area. Exception for hats should be made for approved visiting clergy.
9. Any clothing with offensive logos or messages or related Security Threat Group signs or symbols.
10. Hooded shirts, sweaters, sweatshirts or other hooded apparel.

Female visitors are encouraged to wear slacks/pants. Female visitors wearing skirts/dresses will not be required to lift the garment to their waist to facilitate an appropriate pat search; staff will perform the pat search through the aforementioned clothing.

**B. Inmate Attire**

Inmate attire during visits shall be determined by the Warden of the facility. Generally, male inmates will be clothed in a shirt, pants, socks and shoes of appropriate style or issue. Female inmates at NCCW must wear a khaki shirt and khaki pants, shoes and socks. All inmates shall be required to wear appropriate undergarments. Soiled, torn or otherwise inappropriate clothing will not be worn in the visiting area.

**C. Inmate Processing**

Inmates will be strip-searched going to and leaving the visiting area. (This requirement does not apply to inmates housed at community custody facilities.)

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IX. APPROVED VISIT ITEMS

Control over items brought into the visiting room/area is necessary for the safety/health and welfare of the inmates, visitors and staff. Only the Warden (or designee) may authorize items other than those listed below.

A. Inmate Items

Inmates in general population will be required to be in possession of his/her inmate I.D. card. In addition inmates are permitted the following items in the visiting room/area:

1. One ring.
2. One handkerchief.
3. One comb.
4. One pair prescription glasses.
5. One religious medallion/headwear.
6. Authorized medical prosthetic appliances such as artificial limbs, wheelchairs, canes, hearing aids, crutches etc., heart and asthma medication
7. In addition to the above, inmates at all facilities (with the exception of DEC) may have two earrings and one necklace.
8. Up to \$15.00 cash for inmates residing in community custody facilities.
9. One room key.
10. One religious book for a clergy visit.
11. Legal materials for an attorney visit

B. Visitor Items

Visitors are permitted the following items in the visiting room/area:

1. Heart and asthma medication. Other medication may not be taken into the visiting area without approval from the Warden or the facility's physician. Medication must be in the original container.
2. Infant necessities such as diapers, formula (formula must be in a clear baby bottle) and, when not furnished by the facility, toys of a simple, non-weapon, plastic type for pre-school age children.
3. Where paper currency is not authorized, each visitor (adults and minors) may bring up to \$20.00 in change (example – one visitor with child would be allowed to bring up to \$40.00 in change) for use in the vending machines where vending machines are available.

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4. No vending/canteen items may be taken back to the housing unit by the inmate.
5. Except as authorized in the following, all visitors personal property shall be secured in their vehicles or in lockers provided by the facility:
  - a. Sufficient identification to verify the visitor status/relationship.
  - b. One comb, one watch, one handkerchief, jewelry as appropriate, one religious medallion/headwear, and one pair of prescription glasses.
  - c. Authorized medical prosthetic appliances, such as wheelchairs, canes, artificial limbs, hearing aids, crutches, medical-alert jewelry, service animals, etc.
  - d. Tobacco products may not be used on department property and must be secured in the visitor's vehicle. These products may not be brought into the facility.
  - e. Legal materials needed for an attorney/client visit.  
  
Laptops and other electronic devices needed for the attorney visit must be approved by the Warden/designee.
  - f. Religious materials for a clergy visit.

#### X. INMATE CHANGE OF STATUS

The inmate shall designate an immediate family member or visitor to be contacted in the event of an emergency or major change of status and to coordinate the weekly desired visiting days. Major change of status shall be considered transfer from one major facility to another, such as the Lincoln Correctional Center to the Nebraska State Penitentiary or from a Community Corrections Center back to an institution. It is the responsibility of the inmate to notify any visitor of intra or inter-institution program changes such as change of housing unit or housing unit to restrictive housing. Where the inmate is unable or not allowed to personally notify someone, the Warden/designee shall notify a visitor of the change of status. If, after a reasonable effort, the Warden/designee is unable to contact a visitor to relay a major change of status, then the inmate will be so notified.

#### XI. ANNUAL REVIEW AND UPDATE

Policies and procedures governing visiting will be reviewed annually and updated as necessary.

#### REFERENCE

- I. General Statutory Power – Neb. Rev. Stat. SS83-173 and 83-186, DCS Rules and Regulations – Chapter 4 – VISITING.
- II. ATTACHMENTS:
  - A. Visitation Request Form

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- B. Special/Extended/Emergency Visit Request
  - C. Inmate Summary of Crimes Against Minors
  - D. Crimes Against Minor-Aged Victims
  - E. Visitor Deletion
  - F. Entrance/Exit Procedures
- III. ACA STANDARDS
- A. Standard for Adult Correctional Institutions (ACI) (4th edition) (and supplements): 4275, 4498, - 4499-1, 4499, 4500, 4501, 4503, and 4504.
  - B. Performance Based Standards for Adult Community Residential Services (ACRS) (4th edition): 4--ACRS-2A-02, 4-ACRS-5A-17, 4-ACRS-5A-18, and 4-ACRS-6A-01.